United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 116th CONGRESS, SECOND SESSION

Vol. 166 WASHINGTON, MONDAY, JUNE 29, 2020 No. 119

House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. CUELLAR).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 29, 2020.

I hereby appoint the Honorable HENRY CUELLAR to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2020, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with time equally allocated between the parties and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes, but in no event shall debate continue beyond 9:50 a.m.

CONGRESS NEEDS TO BUILD ON HEALTHCARE PROGRESS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Kansas (Ms. DAVIDS) for 5 minutes.

Ms. DAVIDS of Kansas. Mr. Speaker, I rise today in support of the Patient Protection and Affordable Care Enhancement Act.

From skyrocketing prescription drug prices to rising premiums, too many Kansans are struggling to afford the basic costs of healthcare and access to coverage, a problem that has only grown during this public health crisis.

And just last week, in the middle of the coronavirus pandemic, this administration asked the Supreme Court to strike down every last protection and benefit afforded by the Affordable Care Act.

A new report found that a number of Americans would lose health coverage if this lawsuit succeeded. Twenty-three million people, including 94,000 Kansans, would lose their health insurance.

We need to build on the progress of the Affordable Care Act to lower the cost of healthcare and prescription drugs, not rip away people's healthcare at such an important time during this global pandemic. And that is exactly what the Patient Protection and Affordable Care Enhancement Act would do.

This essential legislation would help lower the cost of healthcare, bring down the skyrocketing cost of prescription drugs, crack down on junk insurance plans, and strengthen protections for people with preexisting conditions.

Importantly, it would also help States like Kansas expand Medicaid, providing an estimated 150,000 Kansans with affordable, quality healthcare.

I have long been pushing for Kansas to join the 36 other States that have already expanded Medicaid so we can lower the costs of healthcare and increase access to health coverage, meaning more people are protected during emergencies like the coronavirus pandemic.

I am proud to have helped secure vital provisions in this legislation that would give Kansas more urgently needed money to expand Medicaid.

By renewing the ACA's original expanded Federal match, we could both incentivize States to expand their Medicaid programs and ensure a smooth transition for those that do so.

While this administration works to tear down the ACA in court, I am working alongside my House colleagues to strengthen the ACA and help ensure that everyone can receive affordable, quality healthcare.

Because during this time of uncertainty, no Kansan should have to worry about whether she will receive the care that they need and that their families need to stay healthy.

THE HOUSE HAS ACTED

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

Mr. BLUMENAUER. Mr. Speaker, I was excited to see the House take action to promote racial justice this last week. Under the leadership of KAREN BASS, the Congressional Black Caucus, and the Democratic leadership, we put forth a comprehensive effort to deal with the crying need that we are hearing demands in the street for more racial justice in America.

The House has acted. There are many provisions there that are going to make a big difference in terms of being able to balance the scale and protect the interests particularly of minority Americans.

Unfortunately, there is one area that remains unaddressed. Perhaps one of the darkest hours in the assault on people of color is Richard Nixon's war on drugs. Nixon's cronies have cynically admitted that it was targeted directly towards people of color and young people. The phony war on drugs contradicted the advice that President Nixon got from his own Blue Ribbon Commission on how to handle cannabis in our country.

Instead, the goal was to criminalize, to amp up enforcement, and was specifically targeted toward people of color and young Americans. This has been admitted by John Ehrlichman, who was assistant to President Nixon for domestic policy. They calculated this would be a way to curry favor from the voters, be able to demonize

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and target the young and people of color.

Unfortunately, that war on drugs continues to this day. Last year, there were tens of thousands of young people of color, particularly Black Americans, who were caught in the net of law enforcement with citations or arrests for something that the majority of Americans now think should be legal.

Indeed, the majority of Republicans think marijuana should be legal. And action has been taken in State after State, usually with a vote of the people; that is the case in my State of Oregon, California, Arizona, and Nevada, where the decision has been made by voters that this mindless prohibition against marijuana makes no sense. Ten States have completely legalized adult use. Over 33 have legalized medical cannabis. And then you take some of the specialized legislation that deals with children with extreme seizure disorders for whom an extract of cannabis is the only thing that gives these children relief from that torture of dozens, sometimes hundreds of seizures a day. Overall 47 States have acted to legalize cannabis in some form.

With the House leadership in Democratic control, we have taken key steps. We passed the Safe Banking Act with overwhelming bipartisan support. 321 Members voted for the legislation that would extend banking services to this large and growing sector of our economy. It is one of the other elements that is languishing in the Senate, but it demonstrates that broad bipartisanship support.

In the House Judiciary Committee, the MORE Act, under the leadership of Chairman JERRY NADLER working with the Cannabis Caucus, has produced legislation that has been approved by the Judiciary Committee with a bipartisan vote. I am pleased to note that it incorporates many of the provisions of BARBARA LEE's Marijuana Justice Act, which was endorsed by the CBC with over 60 percent majority.

It is time for us to take the next step. These needless traffic stops sometimes start with looking for a broken taillight, as law enforcement are involved with fishing expeditions looking for marijuana. Too often it catches young people, especially young people of color in the net. Indeed, they don't target White Americans who use cannabis at the same rate. It is targeted specifically against people of color. Too often those interactions with law enforcement lead to tragic results.

It is time for the House to act to end this failed policy of prohibition, protect young Black lives and be able to fully legalize cannabis by passing the MORE Act. We can do this quickly and easily, and I hope we do.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 9 minutes a.m.), the House stood in recess.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. MCCOLLUM) at 10 a.m.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

Almighty God, thank You for giving us another day. Bless and comfort those who suffer from coronavirus; give them healing. Bless and comfort those who mourn the loss of loved ones in the wake of COVID–19.

With the Psalmist, we turn to You:

Have mercy upon us, O God, for we are treated harshly;
Our foes treat us harshly all the day;
Yes, many are our attackers.
O Most High, when we are afraid, in You we place our trust. We praise the word of God; we trust in God and do not fear.
All the day, our enemies foil our plans; Their every thought is of evil against us. They . . . lie in wait for our lives.

Our issues, our threats are many, O God. Pandemic, civil unrest and police reform, aggressive Russian and Chinese policies, a struggling economy. Help us in our time of need.

Bless the people's House, and may all that is done be for Your greater honor and glory. Amen.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to section 4(a) of House Resolution 967, the Journal of the last day's proceedings is approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from California (Mr. ROUDA) come forward and lead the House in the Pledge of Allegiance.

Mr. ROUDA led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

HELPING BUSINESSES TO REOPEN SAFELY

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

Mr. ROUDA. Madam Speaker, small businesses in Orange County and across the United States are struggling. States and local governments have given shops and restaurants the green light for reopening but have failed to provide businesses with the resources they need to open safely.

Madam Speaker, I am proud to introduce the bipartisan Helping Businesses Reopen Safely Act of 2020 with Congressman BRIAN MAST of Florida. This bill will provide a tax credit to small businesses, nonprofits, and local governments of up to $25,000 annually to purchase personal protective equipment and other supplies that are essential to mitigating the spread of COVID–19.

Madam Speaker, the science is clear. PPE, like face masks, is our most effective tool to keep Americans safe and keep our economy running. My bill would ensure businesses aren't financially penalized for providing safe and clean service.

Madam Speaker, the Helping Businesses Reopen Safely Act of 2020 would help businesses open while protecting the public health of workers, customers, and communities. I urge my colleagues to support and pass this crucial legislation.

RECOGNIZING SMITH REYNOLDS AIRPORT

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

Ms. FOXX of North Carolina. Madam Speaker, Smith Reynolds Airport, located in North Carolina's Fifth District, is set to be designated as North Carolina's first legacy airport.

Originally named Miller Municipal Field in 1927, the airport was soon renamed in 1942 after the Z. Smith Reynolds Foundation made a donation to the airport.

Madam Speaker, since its inception, the airport has served as an Army Corps facility and was the birthplace for Piedmont Airlines, the legacy carrier that merged with US Airways.

Madam Speaker, with this designation on the horizon, I am confident that the airport will continue to be a vital component of the community and that North Carolina's aviation sector will continue to grow and contribute to our State's vibrant economy.

ASSISTING INDEPENDENT RESTAURANTS

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

Mr. BLUMENAUER. Madam Speaker, I am proud of the rapid action that the House took—$3 trillion approved on a bipartisan basis with the Senate. And we have moved forward with the HEROES Act, another $3 trillion that is pending action. We fixed the PPP to better meet the needs of small businesses, but one area needs special attention.

Madam Speaker, over 500,000 independent restaurants with 11 million employees are going to face catastrophic consequences this year. In April alone, one-half of the unemployed, 5.5 million people, were from the independent restaurants area. Without special, tailored Federal help, we are going to see 85 percent of them disappear for good.

Madam Speaker, I am pleased to have introduced, on a bipartisan basis, the RESTAURANTS Act, H.R. 7197, which would establish a $120 billion fund tailored to provide assistance for independent restaurants.

I strongly urge my colleagues to talk to their independent restaurants, the cornerstone of a vital community. If we act now, we can save them yet this year, a vital element in each and every one of our communities.

Madam Speaker, the H.R. 7197, the RESTAURANTS Act, will provide massive support at a time when it is needed.

MEMORIALIZING MAYOR LEONARD SCARCELLA

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

Mr. OLSON. Madam Speaker, the city of Stafford, Fort Bend County, the State of Texas, and all of America lost a great man Sunday: Mayor Leonard Scarcella.

He was a true Texas force of nature. He listened to all, regardless of what country you came from or where you worshipped. His life was about making all human life better.

Madam Speaker, for 51 years as mayor, he did just that. He helped bring Texas Instruments to Stafford in 1967, opening the door to Fort Bend to attract corporate America.

Not happy with the public education in Stafford, he fought for the only city-run school board in Texas.

Tired of people going to the big city of Houston for concerts and conventions, Leonard opened the Stafford Centre in 2004.

He proudly governed without one penny of property tax.

It was Leonard who brought the stunning 30,000-piece BAPS Hindu Temple to Stafford in 2004.

Madam Speaker, to close, nearly 1 million Texans in Fort Bend County are mourning now. I join them. God bless Mayor Leonard Scarcella.

STRENGTHEN THE ACA

(Mr. VEASEY asked and was given permission to address the House for 1 minute.)

Mr. VEASEY. Madam Speaker, I rise today to ask my colleagues to pass the Patient Protection and Affordable Care Enhancement Act.

Because we are in the middle of a global pandemic that has killed almost 130,000 Americans and is ravaging my home State of Texas and has left our hospitals overwhelmed right now, it is now more important that we do everything that we can to strengthen the ACA. This important legislation has already given access to millions of people that now have lifesaving healthcare, many who could not previously access it.

Madam Speaker, this legislation that I am working on now pushes critical provisions, like lowering healthcare costs, strengthening protections for people with preexisting conditions, negotiating for lower prescription drug prices, and expanding healthcare by pressing for Medicaid expansion.

Madam Speaker, let me tell you something: You don't want to get sick in Texas right now. You don't want to get sick in Texas right now. Our hospitals are overwhelmed because of the inaction of our Governor. It is shameful.

Anything that we can do here to help the crisis that we have back in our State, which is also about to grip other States in this Nation, we need to act on it now.

Time cannot wait.

STATE HEALTH CARE PREMIUM REDUCTION ACT

Mr. PALLONE. Madam Speaker, pursuant to House Resolution 1017, I call up the bill (H.R. 1425) to amend the Patient Protection and Affordable Care Act to provide for a Improve Health Insurance Affordability Fund to provide for certain reinsurance payments to lower premiums in the individual health insurance market, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1017, in lieu of the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce printed in the bill, an amendment in the nature of a substitute consisting of the text of the Rules Committee Print 116–56, modified by the amendment printed in part B of House Report 116–436, is adopted, and the bill, as amended, is considered read.

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

H.R. 1425

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Patient Protection and Affordable Care Enhancement Act''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
TITLE I—LOWERING HEALTH CARE COSTS AND PROTECTING PEOPLE WITH PREEXISTING CONDITIONS
Sec. 101. Improving affordability by expanding premium assistance for consumers.
Sec. 102. Improving affordability by reducing out-of-pocket and premium costs for consumers.
Sec. 103. Expanding affordability for working families to fix the family glitch.
Sec. 104. Tax credit reconciliation protections for individuals receiving social security lump-sum payments.
Sec. 105. Preserving State option to implement health care Marketplaces.
Sec. 106. Establishing a Health Insurance Affordability Fund.
Sec. 107. Rescinding the short-term limited duration insurance regulation.
Sec. 108. Revoking section 1332 guidance.
Sec. 109. Requiring Marketplace outreach, educational activities, and annual enrollment targets.
Sec. 110. Report on effects of website maintenance during open enrollment.
Sec. 111. Promoting consumer outreach and education.
Sec. 112. Improving transparency and accountability in the Marketplace.
Sec. 113. Improving awareness of health coverage options.
Sec. 114. Promoting State innovations to expand coverage.
Sec. 115. Strengthening network adequacy.
Sec. 116. Protecting consumers from unreasonable rate hikes.
Sec. 117. Eligibility of DACA recipients for qualified health plans offered through Exchanges.
TITLE II—ENCOURAGING MEDICAID EXPANSION AND STRENGTHENING THE MEDICAID PROGRAM
Sec. 201. Incentivizing Medicaid expansion.
Sec. 202. Providing 12-months of continuous eligibility for Medicaid and CHIP.
Sec. 203. Mandatory 12-months of postpartum Medicaid eligibility.
Sec. 204. Reducing the administrative FMAP for nonexpansion States.
Sec. 205. Enhanced reporting requirements for nonexpansion states.
Sec. 206. Primary care pay increase.
Sec. 207. Permanent funding for CHIP.
Sec. 208. Permanent extension of CHIP enrollment and quality measures.
Sec. 209. State option to increase children's eligibility for Medicaid and CHIP.
Sec. 210. Medicaid coverage for citizens of Freely Associated States.
Sec. 211. Extension of full Federal medical assistance percentage to Indian health care providers.
TITLE III—LOWERING PRICES THROUGH FAIR DRUG PRICE NEGOTIATION
Sec. 301. Establishing a Fair Drug Pricing Program.
Sec. 302. Drug manufacturer excise tax for noncompliance.
Sec. 303. Fair Price Negotiation Implementation Fund.
TITLE IV—PUBLIC HEALTH INVESTMENTS
Sec. 401. Supporting increased innovation.

TITLE I—LOWERING HEALTH CARE COSTS AND PROTECTING PEOPLE WITH PREEXISTING CONDITIONS

SEC. 101. IMPROVING AFFORDABILITY BY EXPANDING PREMIUM ASSISTANCE FOR CONSUMERS.

(a) IN GENERAL.—Section 36B(b)(3)(A) of the Internal Revenue Code of 1986 is amended to read as follows:

''(A) APPLICABLE PERCENTAGE.—The applicable percentage for any taxable year shall be the percentage such that the applicable percentage for any taxpayer whose household income is within an income tier specified in the following table shall increase, on a sliding scale in a linear manner, from the initial premium percentage to the final premium percentage specified in such table for such income tier:

''In the case of household income (expressed as a percent of poverty line) within the following income tier:	The initial premium percentage is—	The final premium percentage is—
Up to 150.0 percent	0.0	0.0
150.0 percent up to 200.0 percent	0.0	3.0
200.0 percent up to 250.0 percent	3.0	4.0
250.0 percent up to 300.0 percent	4.0	6.0
300.0 percent up to 400.0 percent	6.0	8.5
400.0 percent and higher	8.5	8.5''.

(b) CONFORMING AMENDMENT.—Section 36B(c)(1)(A) of the Internal Revenue Code of 1986 is amended by striking ''but does not exceed 400 percent''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2019.

SEC. 102. IMPROVING AFFORDABILITY BY REDUCING OUT-OF-POCKET AND PREMIUM COSTS FOR CONSUMERS.

Section 1302(c)(4) of the Patient Protection and Affordable Care Act (42 U.S.C. 18022(c)(4)) is amended by striking ''calendar year)'' and inserting ''calendar year, based on estimates and projections for the applicable calendar year of the percentage (if any) by which the average per enrollee premium for eligible employer-sponsored health plans (as defined in section 5000A(f)(2) of the Internal Revenue Code of 1986) exceeds such average per enrollee premium for the preceding calendar year, as published in the National Health Expenditure Accounts)''.

SEC. 103. EXPANDING AFFORDABILITY FOR WORKING FAMILIES TO FIX THE FAMILY GLITCH.

(a) IN GENERAL.—Clause (i) of section 36B(c)(2)(C) of the Internal Revenue Code of 1986 is amended to read as follows:

''(i) COVERAGE MUST BE AFFORDABLE.—

''(I) EMPLOYEES.—An employee shall not be treated as eligible for minimum essential coverage if such coverage consists of an eligible employer-sponsored plan (as defined in section 5000A(f)(2)) and the employee's required contribution (within the meaning of section 5000A(e)(1)(B)) with respect to the plan exceeds 9.5 percent of the employee's household income.

''(II) FAMILY MEMBERS.—An individual who is eligible to enroll in an eligible employer-sponsored plan (as defined in section 5000A(f)(2)) by reason of a relationship the individual bears to the employee shall not be treated as eligible for minimum essential coverage by reason of such eligibility to enroll if the employee's required contribution (within the meaning of section 5000A(e)(1)(B), determined by substituting 'family' for 'self-only') with respect to the plan exceeds 9.5 percent of the employee's household income.''.

(b) CONFORMING AMENDMENTS.—

(1) Clause (ii) of section 36B(c)(2)(C) of the Internal Revenue Code of 1986 is amended by striking ''Except as provided in clause (iii), an employee'' and inserting ''An individual''.

(2) Clause (iii) of section 36B(c)(2)(C) of such Code is amended by striking ''the last sentence of clause (i)'' and inserting ''clause (i)(II)''.

(3) Clause (iv) of section 36B(c)(2)(C) of such Code is amended by striking ''the 9.5 percent under clause (i)(II)'' and inserting ''the 9.5 percent under clauses (i)(I) and (i)(II)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2021.

SEC. 104. TAX CREDIT RECONCILIATION PROTECTIONS FOR INDIVIDUALS RECEIVING SOCIAL SECURITY LUMP-SUM PAYMENTS.

(a) IN GENERAL.—Section 36B(d)(2) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(C) EXCLUSION OF PORTION OF LUMP-SUM SOCIAL SECURITY BENEFITS.—

''(i) IN GENERAL.—The term 'modified adjusted gross income' shall not include so much of any lump-sum social security benefit payment as is attributable to months ending before the beginning of the taxable year.

''(ii) LUMP-SUM SOCIAL SECURITY BENEFIT PAYMENT.—For purposes of this subparagraph, the term 'lump-sum social security benefit payment' means any payment of social security benefits (as defined in section 86(d)(1)) which constitutes more than 1 month of such benefits.

''(iii) ELECTION TO INCLUDE EXCLUDABLE AMOUNT.—A taxpayer may elect (at such time and in such manner as the Secretary may provide) to have this subparagraph not apply for any taxable year.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2019.

SEC. 105. PRESERVING STATE OPTION TO IMPLEMENT HEALTH CARE MARKETPLACES.

(a) IN GENERAL.—Section 1311 of the Patient Protection and Affordable Care Act (42 U.S.C. 18031) is amended—

(1) in subsection (a)—

(A) in paragraph (4)(B), by striking ''under this subsection'' and inserting ''under this paragraph or paragraph (1)''; and

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

''(6) ADDITIONAL PLANNING AND ESTABLISHMENT GRANTS.—

''(A) IN GENERAL.—There shall be appropriated to the Secretary, out of any moneys in the Treasury not otherwise appropriated, $200 million to award grants to eligible States for the uses described in paragraph (3).

''(B) DURATION AND RENEWABILITY.—A grant awarded under subparagraph (A) shall be for a period of 2 years and may not be renewed.

''(C) LIMITATION.—A grant may not be awarded under subparagraph (A) after December 31, 2023.

''(D) ELIGIBLE STATE DEFINED.—For purposes of this paragraph, the term 'eligible State' means a State that, as of the date of the enactment of this paragraph, is not operating an Exchange (other than an Exchange described in section 155.200(f) of title 45, Code of Federal Regulations).''; and

(2) in subsection (d)(5)(A)—

(A) by striking ''OPERATIONS.—In establishing an Exchange under this section'' and inserting ''OPERATIONS.—

''(i) IN GENERAL.—In establishing an Exchange under this section (other than in establishing an Exchange pursuant to a grant awarded under subsection (a)(6))''; and

(B) by adding at the end the following:

''(ii) ADDITIONAL PLANNING AND ESTABLISHMENT GRANTS.—In establishing an Exchange pursuant to a grant awarded under subsection (a)(6), the State shall ensure that such Exchange is self-sustaining beginning on January 1, 2025, including allowing the Exchange to charge assessments or user fees to participating health insurance issuers, or to otherwise generate funding, to support its operations.''.

(b) CLARIFICATION REGARDING FAILURE TO ESTABLISH EXCHANGE OR IMPLEMENT REQUIREMENTS.—Section 1321(c) of the Patient Protection and Affordable Care Act (42 U.S.C. 18041(c)) is amended—

(1) in paragraph (1), by striking ''If'' and inserting ''Subject to paragraph (3), if''; and

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

''(3) CLARIFICATION.—This subsection shall not apply in the case of a State that elects to apply the requirements described in subsection (a) and satisfies the requirement described in subsection (b) on or after January 1, 2014.''.

SEC. 106. ESTABLISHING A HEALTH INSURANCE AFFORDABILITY FUND.

Subtitle D of title I of the Patient Protection and Affordable Care Act is amended by inserting after part 5 (42 U.S.C. 18061 et seq.) the following new part:

''PART 6—IMPROVE HEALTH INSURANCE AFFORDABILITY FUND

''SEC. 1351. ESTABLISHMENT OF PROGRAM.

''There is hereby established the 'Improve Health Insurance Affordability Fund' to be administered by the Secretary of Health and Human Services, acting through the Administrator of the Centers for Medicare & Medicaid Services (in this section referred to as the 'Administrator'), to provide funding, in accordance with this part, to the 50 States and the District of Columbia (each referred to in this section as a 'State') beginning on January 1, 2022, for the purposes described in section 1352.

''SEC. 1352. USE OF FUNDS.

''(a) IN GENERAL.—A State shall use the funds allocated to the State under this part for one of the following purposes:

''(1) To provide reinsurance payments to health insurance issuers with respect to individuals enrolled under individual health insurance coverage (other than through a plan described in subsection (b)) offered by such issuers.

''(2) To provide assistance (other than through payments described in paragraph (1)) to reduce out-of-pocket costs, such as copayments, coinsurance, premiums, and deductibles, of individuals enrolled under qualified health plans offered on the individual market through an Exchange.

''(b) EXCLUSION OF CERTAIN GRANDFATHERED AND TRANSITIONAL PLANS.—For purposes of subsection (a), a plan described in this subsection is the following:

''(1) A grandfathered health plan (as defined in section 1251).

''(2) A plan (commonly referred to as a 'transitional plan') continued under the letter issued by the Centers for Medicare & Medicaid Services on November 14, 2013, to the State Insurance Commissioners outlining a transitional policy for coverage in the individual and small group markets to which section 1251 does not apply, and under the extension of the transitional policy for such coverage set forth in the Insurance Standards Bulletin Series guidance issued by the Centers for Medicare & Medicaid Services on March 5, 2014, February 29, 2016, February 13, 2017, April 9, 2018, March 25, 2019, and January 31, 2020, or under any subsequent extensions thereof.

''(3) Student health insurance coverage (as defined in section 147.145 of title 45, Code of Federal Regulations).

''SEC. 1353. STATE ELIGIBILITY AND APPROVAL; DEFAULT SAFEGUARD.

''(a) ENCOURAGING STATE OPTIONS FOR ALLOCATIONS.—

''(1) IN GENERAL.—To be eligible for an allocation of funds under this part for a year (beginning with 2022), a State shall submit to the Administrator an application at such time (but, in the case of allocations for 2022, not later than 90 days after the date of the enactment of this part and, in the case of allocations for a subsequent year, not later than March 1 of the previous year) and in such form and manner as specified by the Administrator containing—

''(A) a description of how the funds will be used; and

''(B) such other information as the Administrator may require.

''(2) AUTOMATIC APPROVAL.—An application so submitted is approved unless the Administrator notifies the State submitting the application, not later than 60 days after the date of the submission of such application, that the application has been denied for not being in compliance with any requirement of this part and of the reason for such denial.

''(3) 5-YEAR APPLICATION APPROVAL.—If an application of a State is approved for a purpose described in section 1352 for a year, such application shall be treated as approved for such purpose for each of the subsequent 4 years.

''(4) REVOCATION OF APPROVAL.—The approval of an application of a State, with respect to a purpose described in section 1352, may be revoked if the State fails to use funds provided to the State under this section for such purpose or otherwise fails to comply with the requirements of this section.

''(b) DEFAULT FEDERAL SAFEGUARD.—

''(1) 2022.—For 2022, in the case of a State that does not submit an application under subsection (a) by the 90-day submission date applicable to such year under subsection (a)(1) and in the case of a State that does submit such an application by such date that is not approved, the Administrator, in consultation with the State insurance commissioner, shall, from the amount calculated under paragraph (4) for such year, carry out the purpose described in paragraph (3) in such State for such year.

''(2) 2023 AND SUBSEQUENT YEARS.—For 2023 or a subsequent year, in the case of a State that does not have in effect an approved application under this section for such year, the Administrator, in consultation with the State insurance commissioner, shall, from the amount calculated under paragraph (4) for such year, carry out the purpose described in paragraph (3) in such State for such year.

''(3) SPECIFIED USE.—The amount described in paragraph (4), with respect to 2022 or a subsequent year, shall be used to carry out the purpose described in section 1352(a)(1) in each State described in paragraph (1) or (2) for such year, as applicable, by providing reinsurance payments to health insurance issuers with respect to attachment range claims (as defined in section 1354(b)(2)), using the dollar amounts specified in subparagraph (B) of such section for such year) in an amount equal to, subject to paragraph (5), the percentage (specified for such year by the Secretary under such subparagraph) of the amount of such claims.

''(4) AMOUNT DESCRIBED.—The amount described in this paragraph, with respect to 2022 or a subsequent year, is the amount equal to the total sum of amounts that the Secretary would otherwise estimate under section 1354(b)(2)(A)(i) for such year for each State described in paragraph (1) or (2) for such year, as applicable, if each such State were not so described for such year.

''(5) ADJUSTMENT.—For purposes of this subsection, the Secretary may apply a percentage under paragraph (3) with respect to a year that is less than the percentage otherwise specified in section 1354(b)(2)(B) for such year, if the cost of paying the total eligible attachment range claims for States described in this subsection for such year at such percentage otherwise specified would exceed the amount calculated under paragraph (4) for such year.

''SEC. 1354. ALLOCATIONS.

''(a) APPROPRIATION.—For the purpose of providing allocations for States under subsection (b) and payments under section 1353(b) there is appropriated, out of any money in the Treasury not otherwise appropriated, $10,000,000,000 for 2022 and each subsequent year.

''(b) ALLOCATIONS.—

''(1) PAYMENT.—

''(A) IN GENERAL.—From amounts appropriated under subsection (a) for a year, the Secretary shall, with respect to a State not described in section 1353(b) for such year and not later than the date specified under subparagraph (B) for such year, allocate for such State the amount determined for such State and year under paragraph (2).

''(B) SPECIFIED DATE.—For purposes of subparagraph (A), the date specified in this subparagraph is—

''(i) for 2022, the date that is 45 days after the date of the enactment of this part; and

''(ii) for 2023 or a subsequent year, January 1 of the respective year.

''(C) NOTIFICATIONS OF ALLOCATION AMOUNTS.—For 2023 and each subsequent year, the Secretary shall notify each State of the amount determined for such State under paragraph (2) for such year by not later than January 1 of the previous year.

''(2) ALLOCATION AMOUNT DETERMINATIONS.—

''(A) IN GENERAL.—For purposes of paragraph (1), the amount determined under this paragraph for a year for a State described in paragraph (1)(A) for such year is the amount equal to—

''(i) the amount that the Secretary estimates would be expended under this part for such year on attachment range claims of individuals residing in such State if such State used such funds only for the purpose described in paragraph (1) of section 1352(a) at the dollar amounts and percentage specified under subparagraph (B) for such year; minus

''(ii) the amount, if any, by which the Secretary determines—

''(I) the estimated amount of premium tax credits under section 36B of the Internal Revenue Code of 1986 that would be attributable to individuals residing in such State for such year without application of this part; exceeds

''(II) the estimated amount of premium tax credits under section 36B of the Internal Revenue Code of 1986 that would be attributable to individuals residing in such State for such year if such State were a State described in section 1353(b) for such year.

For purposes of the previous sentence and section 1353(b)(3), the term 'attachment range claims' means, with respect to an individual, the claims for such individual that exceed a dollar amount specified by the Secretary for a year, but do not exceed a ceiling dollar amount specified by the Secretary for such year, under subparagraph (B).

''(B) SPECIFICATIONS.—For purposes of subparagraph (A) and section 1353(b)(3), the Secretary shall determine the dollar amounts and the percentage to be specified under this subparagraph for a year in a manner to ensure that the total amount of expenditures under this part for such year is estimated to equal the total amount appropriated for such year under subsection (a) if such expenditures were used solely for the purpose described in paragraph (1) of section 1352(a) for attachment range claims at the dollar amounts and percentage so specified for such year.

''(3) AVAILABILITY.—Funds allocated to a State under this subsection for a year shall remain available through the end of the subsequent year.''.

SEC. 107. RESCINDING THE SHORT-TERM LIMITED DURATION INSURANCE REGULATION.

(a) FINDINGS.—Congress finds the following:

(1) On August 3, 2018, the Administration issued a final rule entitled ''Short-Term, Limited-Duration Insurance'' (83 Fed. Reg. 38212).

(2) The final rule dramatically expands the sale and marketing of insurance that—

(A) may discriminate against individuals living with preexisting health conditions, including children with complex medical needs and disabilities and their families;

(B) lacks important financial protections provided by the Patient Protection and Affordable Care Act (Public Law 111–148), including the prohibition of annual and lifetime coverage limits and annual out-of-pocket limits, that may increase the cost of treatment and cause financial hardship to those requiring medical care, including children with complex medical needs and disabilities and their families; and

(C) excludes coverage of essential health benefits including hospitalization, prescription drugs, and other lifesaving care.

(3) The implementation and enforcement of the final rule weakens critical protections for up to 130 million Americans living with preexisting health conditions and may place a large financial burden on those who enroll in short-term limited-duration insurance, which jeopardizes Americans' access to quality, affordable health insurance.

(b) PROHIBITION.—The Secretary of Health and Human Services, the Secretary of the Treasury, and the Secretary of Labor—

(1) may not take any action to implement, enforce, or otherwise give effect to the rule entitled ''Short-Term, Limited Duration Insurance'' (83 Fed. Reg. 38212 (August 3, 2018));

(2) shall apply any regulation revised by such rule as if such rule had not been issued; and

(3) may not promulgate any substantially similar rule.

SEC. 108. REVOKING SECTION 1332 GUIDANCE.

(a) FINDINGS.—Congress finds the following:

(1) On October 24, 2018, the administration published new guidance to carry out section 1332 of the Patient Protection and Affordable Care Act (42 U.S.C. 18052) entitled ''State Relief and Empowerment Waivers'' (83 Fed. Reg. 53575).

(2) The new guidance encourages States to provide health insurance coverage through insurance plans that may discriminate against individuals with preexisting health conditions, including the one in four Americans living with a disability.

(3) The implementation and enforcement of the new guidance weakens protections for the millions of Americans living with preexisting health conditions and jeopardizes Americans' access to quality, affordable health insurance coverage.

(b) PROVIDING THAT CERTAIN GUIDANCE RELATED TO WAIVERS FOR STATE INNOVATION UNDER THE PATIENT PROTECTION AND AFFORDABLE CARE ACT SHALL HAVE NO FORCE OR EFFECT.—Beginning July 1, 2020, the Secretary of Health and Human Services and the Secretary of the Treasury may not take any action to implement, enforce, or otherwise give effect to the guidance entitled ''State Relief and Empowerment Waivers'' (83 Fed. Reg. 53575 (October 24, 2018)), including any such action that would result in individuals losing health insurance coverage that includes the essential health benefits package (as defined in subsection (a) of section 1302 of the Patient Protection and Affordable Care Act (42 U.S.C. 18022(a)) without regard to any waiver of any provision of such package under a waiver under such section 1332), including the maternity and newborn care essential health benefit described in subsection (b)(1)(D) of such section, including any such action that would result in a decrease in the number of such individuals enrolled in coverage that is at least as comprehensive as the coverage defined in section 1302(a) of the Patient Protection and Affordable Care Act (42 U.S.C. 18022(a)) compared to the number of such individuals who would have been so enrolled in such coverage had such action not been taken, including any such action that would, with respect to individuals with substance use disorders, including opioid use disorders, reduce the availability or affordability of coverage that is at least as comprehensive as the coverage defined in section 1302(a) of the Patient Protection and Affordable Care Act (42 U.S.C. 18022(a)) compared to the availability or affordability, respectively, of such coverage had such action not been taken, including any such action that would result, with respect to vulnerable populations (including low-income

individuals, elderly individuals, and individuals with serious health issues or who have a greater risk of developing serious health issues), in a decrease in the availability of coverage that is at least as comprehensive as the coverage defined in section 1302(a) of the Patient Protection and Affordable Care Act (42 U.S.C. 18022(a)) with coverage and cost sharing protections required under section 1332(b)(1)(B) of such Act (42 U.S.C. 18052(b)(1)(B)), including any such action that would, with respect to individuals with preexisting conditions, reduce the affordability of coverage that is at least as comprehensive as the coverage defined in section 1302(a) of the Patient Protection and Affordable Care Act (42 U.S.C. 18022(a)) compared to the affordability of such coverage had such action not been taken, including any such action that would result in higher health insurance premiums for individuals enrolled in health insurance coverage that is at least as comprehensive as the coverage defined in section 1302(b) of such Act (42 U.S.C. 18022(b)), and the Secretaries may not promulgate any substantially similar guidance or rule. Nothing in the previous sentence shall be construed to affect the approval of waivers under section 1332 of the Patient Protection and Affordable Care Act (42 U.S.C. 18052) that establish reinsurance programs that are consistent with the requirements under subsection (b)(1) of such section (42 U.S.C. 18052(b)(1)), lower health insurance premiums, and protect health insurance coverage for people with preexisting conditions.

(c) GAO REPORT ON AFFECT OF STATE INNOVATION WAIVERS ON COVERAGE OF INDIVIDUALS AND ON MENTAL HEALTH HEALTH CARE TREATMENT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the number of individuals expected to lose access to health insurance coverage (as defined in section 2791 of the Public Health Service Act (42 U.S.C. 300gg–91)) if subsection (b) were not enacted and waivers under section 1332 of the Patient Protection and Affordable Care Act (42 U.S.C. 18052) were approved under the guidance described in such subsection (b). Such report shall include an analysis of the expected effect such waivers approved under such guidance would have on mental health care treatment.

SEC. 109. REQUIRING MARKETPLACE OUTREACH, EDUCATIONAL ACTIVITIES, AND ANNUAL ENROLLMENT TARGETS.

(a) IN GENERAL.—Section 1321(c) of the Patient Protection and Affordable Care Act (42 U.S.C. 18041(c)), as amended by section 105(b), is further amended by adding at the end the following new paragraphs:

''(4) OUTREACH AND EDUCATIONAL ACTIVITIES.—

''(A) IN GENERAL.—In the case of an Exchange established or operated by the Secretary within a State pursuant to this subsection, the Secretary shall carry out outreach and educational activities for purposes of informing individuals about qualified health plans offered through the Exchange, including by informing such individuals of the availability of coverage under such plans and financial assistance for coverage under such plans. Such outreach and educational activities shall be provided in a manner that is culturally and linguistically appropriate to the needs of the populations being served by the Exchange (including hard-to-reach populations, such as racial and sexual minorities, limited English proficient populations, individuals in rural areas, veterans, and young adults) and shall be provided to populations residing in high health disparity areas (as defined in subparagraph (E)) served by the Exchange, in addition to other populations served by the Exchange.

''(B) LIMITATION ON USE OF FUNDS.—No funds appropriated under this paragraph shall be used for expenditures for promoting non-ACA compliant health insurance coverage.

''(C) NON-ACA COMPLIANT HEALTH INSURANCE COVERAGE.—For purposes of subparagraph (B):

''(i) The term 'non-ACA compliant health insurance coverage' means health insurance coverage, or a group health plan, that is not a qualified health plan.

''(ii) Such term includes the following:

''(I) An association health plan.

''(II) Short-term limited duration insurance.

''(D) FUNDING.—Out of any funds in the Treasury not otherwise appropriated, there are hereby appropriated for fiscal year 2022 and each subsequent fiscal year, $100,000,000 to carry out this paragraph. Funds appropriated under this subparagraph shall remain available until expended.

''(E) HIGH HEALTH DISPARITY AREA DEFINED.—For purposes of subparagraph (A), the term 'high health disparity area' means a contiguous geographic area that—

''(i) is located in one census tract or ZIP code;

''(ii) has measurable and documented racial, ethnic, or geographic health disparities;

''(iii) has a low-income population, as demonstrated by—

''(I) average income below 138 percent of the Federal poverty line; or

''(II) a rate of participation in the special supplemental nutrition program under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) that is higher than the national average rate of participation in such program;

''(iv) has poor health outcomes, as demonstrated by—

''(I) lower life expectancy than the national average; or

''(II) a higher percentage of instances of low birth weight than the national average; and

''(v) is part of a Metropolitan Statistical Area identified by the Office of Management and Budget.

''(5) ANNUAL ENROLLMENT TARGETS.—For plan year 2021 and each subsequent plan year, in the case of an Exchange established or operated by the Secretary within a State pursuant to this subsection, the Secretary shall establish annual enrollment targets for such Exchange for such year.''.

(b) STUDY AND REPORT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall release to Congress all aggregated documents relating to studies and data sets that were created on or after January 1, 2014, and related to marketing and outreach with respect to qualified health plans offered through Exchanges under title I of the Patient Protection and Affordable Care Act (42 U.S.C. 18001 et seq.).

SEC. 110. REPORT ON EFFECTS OF WEBSITE MAINTENANCE DURING OPEN ENROLLMENT.

Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report examining whether the Department of Health and Human Services has been conducting maintenance on the website commonly referred to as ''Healthcare.gov'' during annual open enrollment periods (as described in section 1311(c)(6)(B) of the Patient Protection and Affordable Care Act (42 U.S.C. 18031(c)(6)(B)) in such a manner so as to minimize any disruption to the use of such website resulting from such maintenance.

SEC. 111. PROMOTING CONSUMER OUTREACH AND EDUCATION.

(a) IN GENERAL.—Section 1311(i) of the Patient Protection and Affordable Care Act (42 U.S.C. 18031(i)) is amended—

(1) in paragraph (2), by adding at the end the following new subparagraph:

''(C) SELECTION OF RECIPIENTS.—In the case of an Exchange established and operated by the Secretary within a State pursuant to section 1321(c), in awarding grants under paragraph (1), the Exchange shall—

''(i) select entities to receive such grants based on an entity's demonstrated capacity to carry out each of the duties specified in paragraph (3);

''(ii) not take into account whether or not the entity has demonstrated how the entity will provide information to individuals relating to group health plans offered by a group or association of employers described in section 2510.3–5(b) of title 29, Code of Federal Regulations (or any successor regulation), or short-term limited duration insurance (as defined by the Secretary for purposes of section 2791(b)(5) of the Public Health Service Act); and

''(iii) ensure that, each year, the Exchange awards such a grant to—

''(I) at least one entity described in this paragraph that is a community and consumer-focused nonprofit group; and

''(II) at least one entity described in subparagraph (B), which may include another community and consumer-focused nonprofit group in addition to any such group awarded a grant pursuant to subclause (I).

In awarding such grants, an Exchange may consider an entity's record with respect to waste, fraud, and abuse for purposes of maintaining the integrity of such Exchange.'';

(2) in paragraph (3)—

(A) by amending subparagraph (C) to read as follows:

''(C) facilitate enrollment, including with respect to individuals with limited English proficiency and individuals with chronic illnesses, in qualified health plans, State medicaid plans under title XIX of the Social Security Act, and State child health plans under title XXI of such Act;'';

(B) in subparagraph (D), by striking ''and'' at the end;

(C) in subparagraph (E), by striking the period at the end and inserting ''; and'';

(D) by inserting after subparagraph (E) the following new subparagraph:

''(F) provide referrals to community-based organizations that address social needs related to health outcomes.''; and

(E) by adding at the end the following flush left sentence:

''The duties specified in the preceding sentence may be carried out by such a navigator at any time during a year.'';

(3) in paragraph (4)(A)—

(A) in the matter preceding clause (i), by striking ''not'';

(B) in clause (i)—

(i) by inserting ''not'' before ''be''; and

(ii) by striking ''; or'' and inserting a semicolon;

(C) in clause (ii)—

(i) by inserting ''not'' before ''receive''; and

(ii) by striking the period and inserting a semicolon; and

(D) by adding at the end the following new clauses:

''(iii) maintain physical presence in the State of the Exchange so as to allow in-person assistance to consumers; and

''(iv) receive opioid specific education and training that ensures the navigator can best educate individuals on qualified health plans offered through an Exchange, specifically coverage under such plans for opioid health care treatment.''; and

(4) in paragraph (6)—

(A) by striking ''FUNDING.—Grants under'' and inserting ''FUNDING.—

''(A) STATE EXCHANGES.—Grants under''; and

(B) by adding at the end the following new subparagraph:

''(B) FEDERAL EXCHANGES.—For purposes of carrying out this subsection, with respect to an Exchange established and operated by the Secretary within a State pursuant to section 1321(c), the Secretary shall obligate $100,000,000 out of amounts collected through the user fees on participating health insurance issuers pursuant to section 156.50 of title 45, Code of Federal Regulations (or any successor regulations), for fiscal year 2022 and each subsequent fiscal year.

Such amount for a fiscal year shall remain available until expended.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to plan years beginning on or after January 1, 2021.

SEC. 112. IMPROVING TRANSPARENCY AND ACCOUNTABILITY IN THE MARKETPLACE.

(a) OPEN ENROLLMENT REPORTS.—For plan year 2021 and each subsequent year, the Secretary of Health and Human Services (referred to in this section as the ''Secretary''), in coordination with the Secretary of the Treasury and the Secretary of Labor, shall issue biweekly public reports during the annual open enrollment period on the performance of the federally facilitated Exchange operated pursuant to section 1321(c) of the Patient Protection and Affordable Care Act (42 U.S.C. 18041(c)). Each such report shall include a summary, including information on a State-by-State basis where available, of—

(1) the number of unique website visits;

(2) the number of individuals who create an account;

(3) the number of calls to the call center;

(4) the average wait time for callers contacting the call center;

(5) the number of individuals who enroll in a qualified health plan; and

(6) the percentage of individuals who enroll in a qualified health plan through each of—

(A) the website;

(B) the call center;

(C) navigators;

(D) agents and brokers;

(E) the enrollment assistant program;

(F) directly from issuers or web brokers; and

(G) other means.

(b) OPEN ENROLLMENT AFTER ACTION REPORT.—For plan year 2021 and each subsequent year, the Secretary, in coordination with the Secretary of the Treasury and the Secretary of Labor, shall publish an after action report not later than 3 months after the completion of the annual open enrollment period regarding the performance of the Exchange described in subsection (a) for the applicable plan year. Each such report shall include a summary, including information on a State-by-State basis where available, of—

(1) the open enrollment data reported under subsection (a) for the entirety of the enrollment period; and

(2) activities related to patient navigators described in section 1311(i) of the Patient Protection and Affordable Care Act (42 U.S.C. 18031(i)), including—

(A) the performance objectives established by the Secretary for such patient navigators;

(B) the number of consumers enrolled by such a patient navigator;

(C) an assessment of how such patient navigators have met established performance metrics, including a detailed list of all patient navigators, funding received by patient navigators, and whether established performance objectives of patient navigators were met; and

(D) with respect to the performance objectives described in subparagraph (A)—

(i) whether such objectives assess the full scope of patient navigator responsibilities, including general education, plan selection, and determination of eligibility for tax credits, cost-sharing reductions, or other coverage;

(ii) how the Secretary worked with patient navigators to establish such objectives; and

(iii) how the Secretary adjusted such objectives for case complexity and other contextual factors.

(c) REPORT ON ADVERTISING AND CONSUMER OUTREACH.—Not later than 3 months after the completion of the annual open enrollment period for plan year 2021, the Secretary shall issue a report on advertising and outreach to consumers for the open enrollment period for plan year 2021. Such report shall include a description of—

(1) the division of spending on individual advertising platforms, including television and radio advertisements and digital media, to raise consumer awareness of open enrollment;

(2) the division of spending on individual outreach platforms, including email and text messages, to raise consumer awareness of open enrollment; and

(3) whether the Secretary conducted targeted outreach to specific demographic groups and geographic areas.

(b) PROMOTING TRANSPARENCY AND ACCOUNTABILITY IN THE ADMINISTRATION'S EXPENDITURES OF EXCHANGE USER FEES.—For plan year 2021 and each subsequent plan year, not later than the date that is 3 months after the end of such plan year, the Secretary of Health and Human Services shall submit to the appropriate committees of Congress and make available to the public an annual report on the expenditures by the Department of Health and Human Services of user fees collected pursuant to section 156.50 of title 45, Code of Federal Regulations (or any successor regulations). Each such report for a plan year shall include a detailed accounting of the amount of such user fees collected during such plan year and of the amount of such expenditures used during such plan year for the federally facilitated Exchange operated pursuant to section 1321(c) of the Patient Protection and Affordable Care Act (42 U.S.C. 18041(c)) on outreach and enrollment activities, navigators, maintenance of Healthcare.gov, and operation of call centers.

SEC. 113. IMPROVING AWARENESS OF HEALTH COVERAGE OPTIONS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Labor, in consultation with the Secretary of Health and Human Services, shall update, and make publicly available in a prominent location on the website of the Department of Labor, the model Consolidated Omnibus Budget Reconciliation Act of 1985 (referred to in this section as ''COBRA'') continuation coverage general notice and the model COBRA continuation coverage election notice developed by the Secretary of Labor for purposes of facilitating compliance of group health plans with the notification requirements under section 606 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1166). In updating each such notice, the Secretary of Labor shall include information regarding any Exchange established under title I of the Patient Protection and Affordable Care Act (42 U.S.C. 18001 et seq.) through which a qualified beneficiary may be eligible to enroll in a qualified health plan, including—

(1) the publicly accessible Internet website address for such Exchange;

(2) the publicly accessible Internet website address for the Find Local Help directory maintained by the Department of Health and Human Services on the healthcare.gov Internet website (or a successor website);

(3) a clear explanation that—

(A) an individual who is eligible for continuation coverage may also be eligible to enroll, with financial assistance, in a qualified health plan offered through such Exchange, but, in the case that such individual elects to enroll in such continuation coverage and subsequently elects to terminate such continuation coverage before the period of such continuation coverage expires, such individual will not be eligible to enroll in a qualified health plan offered through such Exchange during a special enrollment period; and

(B) an individual who elects to enroll in continuation coverage will remain eligible to enroll in a qualified health plan offered through such Exchange during an open enrollment period and may be eligible for financial assistance with respect to enrolling in such a qualified health plan;

(4) information on consumer protections with respect to enrolling in a qualified health plan offered through such Exchange, including the requirement for such a qualified health plan to provide coverage for essential health benefits (as defined in section 1302(b) of such Act (42 U.S.C. 18022(b)) and the requirements applicable to such a qualified health plan under part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg et seq.); and

(5) information on the availability of financial assistance with respect to enrolling in a qualified health plan, including the maximum income limit for eligibility for a premium tax credit under section 36B of the Internal Revenue Code of 1986.

(b) NAME OF NOTICES.—In addition to updating the model COBRA continuation coverage general notice and the model COBRA continuation coverage election notice under paragraph (1), the Secretary of Labor shall rename each such notice as the ''model COBRA continuation coverage and Affordable Care Act coverage general notice'' and the ''model COBRA continuation coverage and Affordable Care Act coverage election notice'', respectively.

(c) CONSUMER TESTING.—Prior to making publicly available the model COBRA continuation coverage general notice and the model COBRA continuation coverage election notice updated under paragraph (1), the Secretary of Labor shall provide an opportunity for consumer testing of each such notice, as so updated, to ensure that each such notice is clear and understandable to the average participant or beneficiary of a group health plan.

(d) DEFINITIONS.—In this subsection:

(1) CONTINUATION COVERAGE.—The term ''continuation coverage'', with respect to a group health plan, has the meaning given such term in section 602 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1162).

(2) GROUP HEALTH PLAN.—The term ''group health plan'' has the meaning given such term in section 607 of such Act (29 U.S.C. 1167).

(3) QUALIFIED BENEFICIARY.—The term ''qualified beneficiary'' has the meaning given such term in such section 607.

(4) QUALIFIED HEALTH PLAN.—The term ''qualified health plan'' has the meaning given such term in section 1301 of the Patient Protection and Affordable Care Act (42 U.S.C. 18021).

SEC. 114. PROMOTING STATE INNOVATIONS TO EXPAND COVERAGE.

(a) IN GENERAL.—Subject to subsection (d), the Secretary of Health and Human Services shall award grants to eligible State agencies to enable such States to explore innovative solutions to promote greater enrollment in health insurance coverage in the individual and small group markets, including activities described in subsection (c).

(b) ELIGIBILITY.—For purposes of subsection (a), eligible State agencies are Exchanges established by a State under title I of the Patient Protection and Affordable Care Act (42 U.S.C. 18001 et seq.) and State agencies with primary responsibility over health and human services for the State involved.

(c) USE OF FUNDS.—For purposes of subsection (a), the activities described in this subsection are the following:

(1) State efforts to streamline health insurance enrollment procedures in order to reduce burdens on consumers and facilitate greater enrollment in health insurance coverage in the individual and small group markets, including automatic enrollment and reenrollment of, or prepopulated applications for, individuals without health insurance who are eligible for tax credits under section 36B of the Internal Revenue Code of 1986, with the ability to opt out of such enrollment.

(2) State investment in technology to improve data sharing and collection for the purposes of facilitating greater enrollment in health insurance coverage in such markets.

(3) Implementation of a State version of an individual mandate to be enrolled in health insurance coverage.

(4) Feasibility studies to develop comprehensive and coherent State plan for increasing enrollment in the individual and small group market.

(d) FUNDING.—For purposes of carrying out this section, there is hereby appropriated, out of any funds in the Treasury not otherwise appropriated, $200,000,000 for each of the fiscal years 2022 through 2024. Such amount shall remain available until expended.

SEC. 115. STRENGTHENING NETWORK ADEQUACY.

(a) IN GENERAL.—Section 1311(d) of the Patient Protection and Affordable Care Act (42 U.S.C. 18031(d)) is amended by adding at the end the following new paragraph:

''(8) NETWORK ADEQUACY STANDARDS.—

''(A) CERTAIN EXCHANGES.—In the case of an Exchange operated by the Secretary pursuant section 1321(c)(1) or an Exchange described in section 155.200(f) of title 42, Code of Federal Regulations (or a successor regulation), the Exchange shall require each qualified health plan offered through such Exchange to meet such quantitative network adequacy standards as the Secretary may prescribe for purposes of this subparagraph.

''(B) STATE EXCHANGES.—In the case of an Exchange not described in subparagraph (A), the Exchange shall establish quantitative network adequacy standards with respect to qualified health plans offered through such Exchange and require such plans to meet such standards.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to plan years beginning on or after January 1, 2022.

SEC. 116. PROTECTING CONSUMERS FROM UNREASONABLE RATE HIKES.

(a) PROTECTION FROM EXCESSIVE, UNJUSTIFIED, OR UNFAIRLY DISCRIMINATORY RATES.—The first section 2794 of the Public Health Service Act (42 U.S.C. 300gg–94), as added by section 1003 of the Patient Protection and Affordable Care Act (Public Law 111–148), is amended by adding at the end the following new subsection:

''(e) PROTECTION FROM EXCESSIVE, UNJUSTIFIED, OR UNFAIRLY DISCRIMINATORY RATES.—

''(1) AUTHORITY OF STATES.—Nothing in this section shall be construed to prohibit a State from imposing requirements (including requirements relating to rate review standards and procedures and information reporting) on health insurance issuers with respect to rates that are in addition to the requirements of this section and are more protective of consumers than such requirements.

''(2) CONSULTATION IN RATE REVIEW PROCESS.—In carrying out this section, the Secretary shall consult with the National Association of Insurance Commissioners and consumer groups.

''(3) DETERMINATION OF WHO CONDUCTS REVIEWS FOR EACH STATE.—The Secretary shall determine, after the date of enactment of this section and periodically thereafter, the following:

''(A) In which markets in each State the State insurance commissioner or relevant State regulator shall undertake the corrective actions under paragraph (4), based on the Secretary's determination that the State regulator is adequately undertaking and utilizing such actions in that market.

''(B) In which markets in each State the Secretary shall undertake the corrective actions under paragraph (4), in cooperation with the relevant State insurance commissioner or State regulator, based on the Secretary's determination that the State is not adequately undertaking and utilizing such actions in that market.

''(4) CORRECTIVE ACTION FOR EXCESSIVE, UNJUSTIFIED, OR UNFAIRLY DISCRIMINATORY RATES.—In accordance with the process established under this section, the Secretary or the relevant State insurance commissioner or State regulator shall take corrective actions to ensure that any excessive, unjustified, or unfairly discriminatory rates are corrected prior to implementation, or as soon as possible thereafter, through mechanisms such as—

''(A) denying rates;

''(B) modifying rates; or

''(C) requiring rebates to consumers.

''(5) NONCOMPLIANCE.—Failure to comply with any corrective action taken by the Secretary under this subsection may result in the application of civil monetary penalties under section 2723 and, if the Secretary determines appropriate, make the plan involved ineligible for classification as a qualified health plan.''.

(b) CLARIFICATION OF REGULATORY AUTHORITY.—Such section is further amended—

(1) in subsection (a)—

(A) in the heading, by striking ''PREMIUM'' and inserting ''RATE'';

(B) in paragraph (1), by striking ''unreasonable increases in premiums'' and inserting ''potentially excessive, unjustified, or unfairly discriminatory rates, including premiums,''; and

(C) in paragraph (2)—

(i) by striking ''an unreasonable premium increase'' and inserting ''a potentially excessive, unjustified, or unfairly discriminatory rate'';

(ii) by striking ''the increase'' and inserting ''the rate''; and

(iii) by striking ''such increases'' and inserting ''such rates''; and

(2) in subsection (b)—

(A) by striking ''premium increases'' each place it appears and inserting ''rates''; and

(B) in paragraph (2)(B), by striking ''premium'' and inserting ''rate''.

(c) CONFORMING AMENDMENTS.—Title XXVII of the Public Health Service Act (42 U.S.C. 300gg et seq.) is amended—

(1) in section 2723 (42 U.S.C. 300gg–22), as redesignated by the Patient Protection and Affordable Care Act—

(A) in subsection (a)—

(i) in paragraph (1), by inserting ''and section 2794'' after ''this part''; and

(ii) in paragraph (2), by inserting ''or section 2794'' after ''this part''; and

(B) in subsection (b)—

(i) in paragraph (1), by inserting ''and section 2794'' after ''this part''; and

(ii) in paragraph (2)—

(I) in subparagraph (A), by inserting ''or section 2794 that is'' after ''this part''; and

(II) in subparagraph (C)(ii), by inserting ''or section 2794'' after ''this part''; and

(2) in section 2761 (42 U.S.C. 300gg–61)—

(A) in subsection (a)—

(i) in paragraph (1), by inserting ''and section 2794'' after ''this part''; and

(ii) in paragraph (2)—

(I) by inserting ''or section 2794'' after ''set forth in this part''; and

(II) by inserting ''and section 2794'' after ''the requirements of this part''; and

(B) in subsection (b)—

(i) by inserting ''and section 2794'' after ''this part''; and

(ii) by inserting ''and section 2794'' after ''part A''.

(d) APPLICABILITY TO GRANDFATHERED PLANS.—Section 1251(a)(4)(A) of the Patient Protection and Affordable Care Act (Public Law 111–148), as added by section 2301 of the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152), is amended by adding at the end the following:

''(v) Section 2794 (relating to reasonableness of rates with respect to health insurance coverage).''.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this Act such sums as may be necessary.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act and shall be implemented with respect to health plans beginning not later than January 1, 2022.

SEC. 117. ELIGIBILITY OF DACA RECIPIENTS FOR QUALIFIED HEALTH PLANS OFFERED THROUGH EXCHANGES.

(a) IN GENERAL.—Section 1312(f)(3) of the Patient Protection and Affordable Care Act (42 U.S.C. 18032(f)(3)) is amended—

(1) by striking ''or an alien lawfully present in the United States'' and inserting '', an alien lawfully present in the United States, or a DACA recipient''; and

(2) by adding at the end the following: ''For purposes of the previous sentence, the term 'DACA recipient' means an individual who was granted deferred action pursuant to the Deferred Action for Childhood Arrivals Program announced in the memorandum of the Secretary of Homeland Security dated June 15, 2012, and for whom such grant remains valid.''.

(b) APPLICATION OF REDUCED COST-SHARING.—Section 1402(e)(2) of the Patient Protection and Affordable Care Act (42 U.S.C. 18071(e)(2)) is amended by adding at the end the following: ''A DACA recipient (as defined in section 1312(f)(3)) shall be treated as lawfully present for purposes of this section.''

(c) ELIGIBILITY FOR ADVANCE PAYMENTS.—Section 1412(d) of the Patient Protection and Affordable Care Act (42 U.S.C. 18082(d)) is amended by adding at the end the following: ''For purposes of the previous sentence, a DACA recipient (as defined in section 1312(f)(3)) shall be treated as lawfully present in the United States.''.

(d) VERIFICATION OF ELIGIBILITY.—Section 1411(c)(2)(B) of the Patient Protection and Affordable Care Act (42 U.S.C. 18081(c)(2)(B)) is amended—

(1) in clause (i)(I), by inserting ''or a DACA recipient (as defined in section 1312(f)(3))'' after ''an alien lawfully present in the United States''; and

(2) in clause (ii), by inserting ''or a DACA recipient (as defined in section 1312(f)(3))'' after ''an alien lawfully present in the United States''.

(e) APPLICATION OF TAX CREDIT FOR COVERAGE UNDER A QUALIFIED HEALTH PLAN.—Section 36B(e)(2) of the Internal Revenue Code of 1986 is amended by adding at the end the following: ''A DACA recipient (as defined in section 1312(f)(3) of the Patient Protection and Affordable Care Act) shall be treated as lawfully present for purposes of this section.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2021.

TITLE II—ENCOURAGING MEDICAID EXPANSION AND STRENGTHENING THE MEDICAID PROGRAM

SEC. 201. INCENTIVIZING MEDICAID EXPANSION.

(a) IN GENERAL.—Section 1905(y)(1) of the Social Security Act (42 U.S.C. 1396d(y)(1)) is amended—

(1) in subparagraph (A), by striking ''2014, 2015, and 2016'' and inserting ''each of the first 3 consecutive 12-month periods in which the State provides medical assistance to newly eligible individuals'';

(2) in subparagraph (B), by striking ''2017'' and inserting ''the fourth consecutive 12-month period in which the State provides medical assistance to newly eligible individuals'';

(3) in subparagraph (C), by striking ''2018'' and inserting ''the fifth consecutive 12-month period in which the State provides medical assistance to newly eligible individuals'';

(4) in subparagraph (D), by striking ''2019'' and inserting ''the sixth consecutive 12-month period in which the State provides medical assistance to newly eligible individuals''; and

(5) in subparagraph (E), by striking ''2020 and each year thereafter'' and inserting ''the seventh consecutive 12-month period in which the State provides medical assistance to newly eligible individuals and each such period thereafter''.

(b) EFFECTIVE DATE.—Beginning on January 1, 2022, the amendments made by subsection (a) shall take effect as if included in the enactment of the Patient Protection and Affordable Care Act (Public Law 111–148).

SEC. 202. PROVIDING 12-MONTHS OF CONTINUOUS ELIGIBILITY FOR MEDICAID AND CHIP.

(a) REQUIREMENT OF 12-MONTH CONTINUOUS ENROLLMENT UNDER MEDICAID.—Section 1902(e)(12) of the Social Security Act (42 U.S.C. 1396a(e)(12)) is amended to read as follows:

''(12) 12-MONTH CONTINUOUS ENROLLMENT.—Notwithstanding any other provision of this title, a State plan approved under this title (or under any waiver of such plan approved pursuant to section 1115 or section 1915), shall provide that an individual who is determined to be eligible for benefits under such plan (or waiver) shall remain eligible and enrolled for such benefits through the end of the month in which the 12-month period (beginning on the date of determination of eligibility) ends.''.

(b) REQUIREMENT OF 12-MONTH CONTINUOUS ENROLLMENT UNDER CHIP.—

(1) IN GENERAL.—Section 2102(b) of the Social Security Act (42 U.S.C. 1397bb(b)) is amended by adding at the end the following new paragraph:

''(6) REQUIREMENT FOR 12-MONTH CONTINUOUS ENROLLMENT.—Notwithstanding any other provision of this title, a State child health plan that provides child health assistance under this title through a means other than described in section 2101(a)(2), shall provide that an individual who is determined to be eligible for benefits under such plan shall remain eligible and enrolled for such benefits through the end of the month in which the 12-month period (beginning on the date of determination of eligibility) ends.''.

(2) CONFORMING AMENDMENT.—Section 2105(a)(4)(A) of the Social Security Act (42 U.S.C. 1397ee(a)(4)(A)) is amended—

(A) by striking ''has elected the option of'' and inserting ''is in compliance with the requirement for''; and

(B) by striking ''applying such policy under its State child health plan under this title'' and inserting ''in compliance with section 2102(b)''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2) or (3), the amendments made by subsections (a) and (b) shall apply to determinations (and redeterminations) of eligibility made on or after the date that is 12 months after the last day of the emergency period described in section 1135(g)(1)(B) of the Social Security Act (42 U.S.C. 1320b–5(g)(1)(B)).

(2) EXTENSION OF EFFECTIVE DATE FOR STATE LAW AMENDMENT.—In the case of a State plan under title XIX or State child health plan under title XXI of the Social Security Act (42 U.S.C. 1396 et seq.; 42 U.S.C. 1397aa et seq.) which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the respective plan to meet the additional requirement imposed by the amendment made by subsection (a) or (b), respectively, the respective plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet such applicable additional requirement before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session is considered to be a separate regular session of the State legislature.

(3) OPTION TO IMPLEMENT 12-MONTH CONTINUOUS ELIGIBILITY PRIOR TO EFFECTIVE DATE.—A State may elect through a State plan amendment under title XIX or XXI of the Social Security Act (42 U.S.C. 1396 et seq.; 42 U.S.C. 1397aa et seq.) to apply the amendment made by subsection (a) or (b), respectively, on any date prior to the date specified in paragraph (1), but not sooner than the date of the enactment of this Act.

SEC. 203. MANDATORY 12-MONTHS OF POSTPARTUM MEDICAID ELIGIBILITY.

(a) EXTENDING CONTINUOUS MEDICAID AND CHIP COVERAGE FOR PREGNANT AND POSTPARTUM WOMEN.—

(1) MEDICAID.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended—

(A) in section 1902(l)(1)(A), by striking ''60-day period'' and inserting ''365-day period'';

(B) in section 1902(e)(6), by striking ''60-day period'' and inserting ''365-day period'';

(C) in section 1903(v)(4)(A)(i), by striking ''60-day period'' and inserting ''365-day period''; and

(D) in section 1905(a), in the 4th sentence in the matter following paragraph (30), by striking ''60-day period'' and inserting ''365-day period''.

(2) CHIP.—Section 2112 of the Social Security Act (42 U.S.C. 1397ll) is amended by striking ''60-day period'' each place it appears and inserting ''365-day period''.

(b) REQUIRING FULL BENEFITS FOR PREGNANT AND POSTPARTUM WOMEN.—

(1) MEDICAID.—

(A) IN GENERAL.—Paragraph (5) of section 1902(e) of the Social Security Act (24 U.S.C. 1396a(e)) is amended to read as follows:

''(5) Any woman who is eligible for medical assistance under the State plan or a waiver of such plan and who is, or who while so eligible becomes, pregnant, shall continue to be eligible under the plan or waiver for medical assistance through the end of the month in which the 365-day period (beginning on the last day of her pregnancy) ends, regardless of the basis for the woman's eligibility for medical assistance, including if the woman's eligibility for medical assistance is on the basis of being pregnant.''.

(B) CONFORMING AMENDMENT.—Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)) is amended in the matter following subparagraph (G) by striking ''(VII) the medical assistance'' and all that follows through ''complicate pregnancy,''.

(2) CHIP.—Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended—

(A) by redesignating subparagraphs (H) through (S) as subparagraphs (I) through (T), respectively; and

(B) by inserting after subparagraph (G), the following:

''(H) Section 1902(e)(5) (requiring 365-day continuous coverage for pregnant and postpartum women).''.

(c) MAINTENANCE OF EFFORT.—

(1) MEDICAID.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended—

(A) in paragraph (74), by striking ''subsection (gg); and'' and inserting ''subsections (gg) and (qq);''; and

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

''(qq) MAINTENANCE OF EFFORT RELATED TO LOW-INCOME PREGNANT WOMEN.—For calendar quarters beginning on or after the effective date described in section 203(d) of the Patient Protection and Affordable Care Enhancement Act, and before January 1, 2023, no Federal payment shall be made to a State under section 1903(a) for amounts expended under a State plan under this title or a waiver of such plan if the State—

''(1) has in effect under such plan eligibility standards, methodologies, or procedures for individuals described in subsection (l)(1) who are eligible for medical assistance under the State plan or waiver under subsection (a)(10)(A)(ii)(IX) that are more restrictive than the eligibility standards, methodologies, or procedures, respectively, for such individuals under such plan or waiver that are in effect on the date of the enactment of this subsection; or

''(2) provides medical assistance to individuals described in subsection (l)(1) who are eligible for medical assistance under such plan or waiver under subsection (a)(10)(A)(ii)(IX) at a level that is less than the level at which the State provides such assistance to such individuals under such plan or waiver on the date of the enactment of this subsection.''.

(2) CHIP.—Section 2112 of the Social Security Act (42 U.S.C. 1397ll), as amended by subsection (b), is further amended by adding at the end the following subsection:

''(g) MAINTENANCE OF EFFORT.—For calendar quarters beginning on or after the effective date described in section 203(d) of the Patient Protection and Affordable Care Enhancement Act, and before January 1, 2023, no payment may be made under section 2105(a) with respect to a State child health plan if the State—

''(1) has in effect under such plan eligibility standards, methodologies, or procedures for targeted low-income pregnant women that are more restrictive than the eligibility standards, methodologies, or procedures, respectively, under such plan that are in effect on the date of the enactment of this subsection; or

''(2) provides pregnancy-related assistance to targeted low-income pregnant women under such plan at a level that is less than the level at which the State provides such assistance to such women under such plan on the date of the enactment of this subsection.''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided under paragraph (2), the amendments made by subsections (a) and (b) shall take effect on (and the effective date described in this subsection shall be) the first day of the calendar quarter during which the last day of the emergency period described in section 1135(g)(1)(B) of the Social Security Act (42 U.S.C. 1320b–5(g)(1)(B)) occurs.

(2) EXTENSION OF EFFECTIVE DATE FOR STATE LAW AMENDMENT.—In the case of a State plan under title XIX or State child health plan under title XXI of the Social Security Act (42 U.S.C. 1396 et seq.; 42 U.S.C. 1397aa et seq.) which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the respective plan to meet the additional requirement imposed by the amendments made by subsection (a) or (b), respectively, the respective plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet such applicable additional requirement before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session is considered to be a separate regular session of the State legislature.

SEC. 204. REDUCING THE ADMINISTRATIVE FMAP FOR NONEXPANSION STATES.

Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended—

(1) in subsection (a)(7), by inserting ''subsection (bb) and'' before ''section 1919(g)(3)(B)''; and

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

''(bb) REDUCTION OF FEDERAL PAYMENTS FOR CERTAIN ADMINISTRATIVE COSTS OF NONEXPANSION STATES.—

''(1) IN GENERAL.—In the case of a State that does not provide under the State plan of such State (or waiver of such plan) for making medical assistance available in accordance with section 1902(k)(1) to all individuals described in section 1902(a)(10)(i)(VIII) for a calendar quarter beginning on or after October 1, 2022, the Secretary may reduce the percentage specified in subsection (a)(7) for amounts described in such subsection expended during such quarter by such State by the number of percentage points specified in paragraph (2) for such quarter.

''(2) AMOUNT OF REDUCTION.—For purposes of paragraph (1), the number of percentage points specified in this paragraph for a calendar quarter is the following:

''(A) For the calendar quarter beginning on October 1, 2022, 0.5.

''(B) For a calendar quarter beginning on or after January 1, 2023, and ending before July 1, 2027, the number of percentage points specified under this paragraph for the previous quarter, plus 0.5.

''(C) For a calendar quarter beginning on or after July 1, 2027, 10.

''(3) DEFINITION.—For purposes of this subsection, the term 'State' means a State that is one of the 50 States or the District of Columbia.''.

SEC. 205. ENHANCED REPORTING REQUIREMENTS FOR NONEXPANSION STATES.

Section 1903 of the Social Security Act (42 U.S.C. 1396b), as amended by section 204, is further amended—

(1) in subsection (a)(7), by striking ''subsection (bb)'' and inserting ''subsections (bb) and (cc)''; and

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

''(cc) REDUCTION OF FEDERAL PAYMENTS FOR CERTAIN ADMINISTRATIVE COSTS OF NONEXPANSION STATES THAT DO NOT SATISFY REPORTING REQUIREMENTS.—

''(1) IN GENERAL.—

''(A) REDUCTION.—In the case of a nonexpansion State, with respect to a fiscal year (beginning with fiscal year 2023) that does not satisfy the reporting requirement under paragraph (2) for such fiscal year, the percentage specified in subsection (a)(7) for amounts described in such subsection expended by such State during a calendar quarter described in paragraph (4) with respect to such fiscal year, subject to subparagraph (B), shall be reduced by the number of percentage points specified in paragraph (4) for the respective calendar quarter.

''(B) EXCEPTION.—In the case of a nonexpansion State that is subject to a reduction under subparagraph (A) for the calendar quarter described in paragraph (4)(A) with respect to a fiscal year, if the State satisfies the criteria described in subparagraphs (A), (B), and (C) of paragraph (2) (without regard to the dates specified in such subparagraph (A) and (C)) before the beginning of a subsequent calendar quarter described in paragraph (4) with respect to such fiscal year, then such State shall not be subject to a reduction under subparagraph (A) for such subsequent calendar quarter.

''(2) REPORTING REQUIREMENT.—For purposes of paragraph (1), a nonexpansion State satisfies the reporting requirement under this paragraph for a fiscal year, if the nonexpansion State—

''(A) by not later than January 1 of such year, posts on the public website of the State agency administering the State plan, the information described in paragraph (3) with respect to such State for the previous year;

''(B) provides for at least a 30-day period for notice and comment on such information; and

''(C) by not later than March 1 of such year, submits to the Secretary a complete report including such information, comments submitted pursuant to subparagraph (B), and a response by the State to each such comment.

''(3) INFORMATION DESCRIBED.—The information described in this paragraph, with respect to a State and year, is the following:

''(A) The the estimated number of individuals who were uninsured for at least 6 months, shown by age-groups of 0 to 18 years of age and of 19 years of age to 64 years of age, as well as a detailed description of the basis for the estimates.

''(B) The estimated number of the individuals estimated under subparagraph (A) in the State who would be eligible for medical assistance under the State plan if the State were to make medical assistance under the State plan available in accordance with section 1902(k)(1) to all individuals described in section 1902(a)(10)(i)(VIII), and a detailed description of the basis for the estimates.

''(C) A comprehensive listing of State income eligibility criteria for all mandatory and optional Medicaid eligibility groups for which the State plan provides medical assistance (other than with respect to individuals described in clause (i)(II), (ii)(VI), or (ii)(XXII) of section 1902(a)(10)(A)).

''(D) The total amount of hospital uncompensated-care costs and a breakdown of the source of such costs, as well as a breakdown for rural and non-rural hospitals.

''(4) PERCENTAGE DESCRIBED.—For purposes of paragraph (1), a calendar quarter described in this paragraph, with respect to a fiscal year, and the percentage points described in this paragraph for such quarter, with respect to a State, are—

''(A) for the calendar quarter beginning on the April 1 occurring during such fiscal year, 0.5 percentage points;

''(B) for the calendar quarter beginning on the July 1 occurring during such fiscal year, 1.0 percentage point; and

''(C) for the calendar quarter beginning on the October 1 occurring during the subsequent fiscal year, 1.5 percentage points.

''(5) PAYMENT IN CASE OF REPORTING STATE.—The expenses incurred by a non-expansion State, with respect to any calendar quarter with respect to a fiscal year (beginning with 2021), for carrying out subparagraphs (A) through (C) of paragraph (2) shall, for purposes of section 1903(a)(7), be considered to be expenses necessary for the proper and efficient administration of the State plan under this title.

''(6) NONEXPANION STATE DEFINED.—For purposes of this subsection, the term 'nonexpansion State' means, with respect to a fiscal year, a State that as of the first quarter of such fiscal year does not provide under the State plan of such State (or waiver of such plan) for making medical assistance available in accordance with section 1902(k)(1) to all individuals described in section 1902(a)(10)(i)(VIII).''.

SEC. 206. PRIMARY CARE PAY INCREASE.

(a) RENEWAL OF PAYMENT FLOOR; ADDITIONAL PROVIDERS.—

(1) IN GENERAL.—Section 1902(a)(13) of the Social Security Act (42 U.S.C. 1396a(a)(13)) is amended by striking subparagraph (C) and inserting the following:

''(C) payment for primary care services (as defined in subsection (jj)) at a rate that is not less than 100 percent of the payment rate that applies to such services and physician under part B of title XVIII (or, if greater, the payment rate that would be applicable under such part if the conversion factor under section 1848(d) for the year involved were the conversion factor under such section for 2009), and that is not less than the rate that would otherwise apply to such services under this title if the rate were determined without regard to this subparagraph, and that are—

''(i) furnished during 2013 and 2014, by a physician with a primary specialty designation of family medicine, general internal medicine, or pediatric medicine; or

''(ii) furnished during the period that begins on the first day of the first month that begins one year after the date of enactment of the Patient Protection and Affordable Care Enhancement Act and ends September 30, 2024—

''(I) by a physician with a primary specialty designation of family medicine, general internal medicine, or pediatric medicine, but only if the physician self-attests that the physician is Board certified in family medicine, general internal medicine, or pediatric medicine;

''(II) by a physician with a primary specialty designation of obstetrics and gynecology, but only if the physician self-attests that the physician is Board certified in obstetrics and gynecology;

''(III) by an advanced practice clinician, as defined by the Secretary, that works under the supervision of—

''(aa) a physician that satisfies the criteria specified in subclause (I) or (II); or

''(bb) a nurse practitioner or a physician assistant (as such terms are defined in section 1861(aa)(5)(A)) who is working in accordance with State law, or a certified nurse-midwife (as defined in section 1861(gg)) who is working in accordance with State law;

''(IV) by a rural health clinic, Federally-qualified health center, or other health clinic that receives reimbursement on a fee schedule applicable to a physician, a nurse practitioner or a physician assistant (as such terms are defined in section 1861(aa)(5)(A)) who is working in accordance with State law, or a certified nurse-midwife (as defined in section 1861(gg)) who is working in accordance with State law, for services furnished by a physician, nurse practitioner, physician assistant, or certified nurse-midwife, or services furnished by an advanced practice clinician supervised by a physician described in subclause (I)(aa) or (II)(aa), another advanced practice clinician, or a certified nurse-midwife; or

''(V) by a nurse practitioner or a physician assistant (as such terms are defined in section 1861(aa)(5)(A)) who is working in accordance with State law, or a certified nurse-midwife (as defined in section 1861(gg)) who is working in accordance with State law, in accordance with procedures that ensure that the portion of the payment for such services that the nurse practitioner, physician assistant, or certified nurse-midwife is paid is not less than the amount that the nurse practitioner, physician assistant, or certified nurse-midwife would be paid if the services were provided under part B of title XVIII;''.

(2) CONFORMING AMENDMENTS.—Section 1905(dd) of the Social Security Act (42 U.S.C. 1396d(dd)) is amended—

(A) by striking ''Notwithstanding'' and inserting the following:

''(1) IN GENERAL.—Notwithstanding'';

(B) by inserting ''or furnished during the additional period specified in paragraph (2),'' after ''2015,''; and

(C) by adding at the end the following:

''(2) ADDITIONAL PERIOD.—For purposes of paragraph (1), the additional period specified in this paragraph is the period that begins on the first day of the first month that begins one year after the date of enactment of the Patient Protection and Affordable Care Enhancement Act.''.

(b) IMPROVED TARGETING OF PRIMARY CARE.—Section 1902(jj) of the Social Security Act (42 U.S.C. 1396a(jj)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively and realigning the left margins accordingly;

(2) by striking ''For purposes of'' and inserting the following:

''(1) IN GENERAL.—For purposes of''; and

(3) by adding at the end the following:

''(2) EXCLUSIONS.—Such term does not include any services described in subparagraph (A) or (B) of paragraph (1) if such services are provided in an emergency department of a hospital.''.

(c) ENSURING PAYMENT BY MANAGED CARE ENTITIES.—

(1) IN GENERAL.—Section 1903(m)(2)(A) of the Social Security Act (42 U.S.C. 1396b(m)(2)(A)) is amended—

(A) in clause (xii), by striking ''and'' after the semicolon;

(B) by realigning the left margin of clause (xiii) so as to align with the left margin of clause (xii) and by striking the period at the end of clause (xiii) and inserting ''; and''; and

(C) by inserting after clause (xiii) the following:

''(xiv) such contract provides that (I) payments to providers specified in section 1902(a)(13)(C) for primary care services defined in section 1902(jj) that are furnished during a year or period specified in section 1902(a)(13)(C)

and section 1905(dd) are at least equal to the amounts set forth and required by the Secretary by regulation, (II) the entity shall, upon request, provide documentation to the State, sufficient to enable the State and the Secretary to ensure compliance with subclause (I), and (III) the Secretary shall approve payments described in subclause (I) that are furnished through an agreed upon capitation, partial capitation, or other value-based payment arrangement if the capitation, partial capitation, or other value-based payment arrangement is based on a reasonable methodology and the entity provides documentation to the State sufficient to enable the State and the Secretary to ensure compliance with subclause (I).''.

(2) CONFORMING AMENDMENT.—Section 1932(f) of the Social Security Act (42 U.S.C. 1396u–2(f)) is amended by inserting ''and clause (xiv) of section 1903(m)(2)(A)'' before the period.

SEC. 207. PERMANENT FUNDING FOR CHIP.

(a) IN GENERAL.—Section 2104(a) of the Social Security Act (42 U.S.C. 1397dd(a)) is amended—

(1) in paragraph (26), by inserting at the end ''and'';

(2) by amending paragraph (27) to read as follows:

''(27) for each fiscal year beginning with fiscal year 2024, such sums as are necessary to fund allotments to States under subsections (c) and (m).''; and

(3) by striking paragraph (28).

(b) IN GENERAL.—Section 2104(a)(28) of the Social Security Act (42 U.S.C. 1397dd(a)(28)) is amended to read as follows:

''(28) for fiscal year 2027 and each subsequent year, such sums as are necessary to fund allotments to States under subsections (c) and (m).''.

(c) ALLOTMENTS.—

(1) IN GENERAL.—Section 2104(m) of the Social Security Act (42 U.S.C. 1397dd(m)) is amended—

(A) in paragraph (2)(B)(i), by striking ''., 2023, and 2027'' and inserting ''and 2023'';

(B) in paragraph (7)—

(i) in subparagraph (A), by striking ''and ending with fiscal year 2027,''; and

(ii) in the flush left matter at the end, by striking ''or fiscal year 2026'' and inserting ''fiscal year 2026, or a subsequent even-numbered fiscal year'';

(C) in paragraph (9)—

(i) by striking ''(10), or (11)'' and inserting ''or (10)''; and

(ii) by striking ''2023, or 2027,'' and inserting ''or 2023''; and

(D) by striking paragraph (11).

(2) CONFORMING AMENDMENT.—Section 50101(b)(2) of the Bipartisan Budget Act of 2018 (Public Law 115–123) is repealed.

SEC. 208. PERMANENT EXTENSION OF CHIP ENROLLMENT AND QUALITY MEASURES.

(a) PEDIATRIC QUALITY MEASURES PROGRAM.—Section 1139A(i)(1) of the Social Security Act (42 U.S.C. 1320b–9a(i)(1)) is amended—

(1) in subparagraph (C), by striking at the end ''and'';

(2) in subparagraph (D), by striking the period at the end and insert a semicolon; and

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

''(E) for fiscal year 2028, $15,000,000 for the purpose of carrying out this section (other than subsections (e), (f), and (g)); and

''(F) for a subsequent fiscal year, the amount appropriated under this paragraph for the previous fiscal year, increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) over such previous fiscal year, for the purpose of carrying out this section (other than subsections (e), (f), and (g)).''.

(b) EXPRESS LANE ELIGIBILITY OPTION.—Section 1902(e)(13) of the Social Security Act (42 U.S.C. 1396a(e)(13)) is amended by striking subparagraph (I).

(c) ASSURANCE OF AFFORDABILITY STANDARD FOR CHILDREN AND FAMILIES.—

(1) IN GENERAL.—Section 2105(d)(3) of the Social Security Act (42 U.S.C. 1397ee(d)(3)) is amended—

(A) in the paragraph heading, by striking ''THROUGH SEPTEMBER 30, 2027''; and

(B) in subparagraph (A), in the matter preceding clause (i)—

(i) by striking ''During the period that begins on the date of enactment of the Patient Protection and Affordable Care Act and ends on September 30, 2027'' and inserting ''Beginning on the date of the enactment of the Patient Protection and Affordable Care Act'';

(ii) by striking ''During the period that begins on October 1, 2019, and ends on September 30, 2027'' and inserting ''Beginning on October 1, 2019''; and

(iii) by striking ''The preceding sentences shall not be construed as preventing a State during any such periods from'' and inserting ''The preceding sentences shall not be construed as preventing a State from''.

(2) CONFORMING AMENDMENTS.—Section 1902(gg)(2) of the Social Security Act (42 U.S.C. 1396a(gg)(2)) is amended—

(A) in the paragraph heading, by striking ''THROUGH SEPTEMBER 30, 2027''; and

(B) by striking ''through September 30'' and all that follows through ''ends on September 30, 2027'' and inserting ''(but beginning on October 1, 2019,''.

(d) QUALIFYING STATES OPTION.—Section 2105(g)(4) of the Social Security Act (42 U.S.C. 1397ee(g)(4)) is amended—

(1) in the paragraph heading, by striking ''FOR FISCAL YEARS 2009 THROUGH 2027'' and inserting ''AFTER FISCAL YEAR 2008''; and

(2) in subparagraph (A), by striking ''for any of fiscal years 2009 through 2027'' and inserting ''for any fiscal year after fiscal year 2008''.

(e) OUTREACH AND ENROLLMENT PROGRAM.—Section 2113 of the Social Security Act (42 U.S.C. 1397mm) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''during the period of fiscal years 2009 through 2027'' and inserting '', beginning with fiscal year 2009,'';

(B) in paragraph (2)—

(i) by striking ''10 percent of such amounts'' and inserting ''10 percent of such amounts for the period or the fiscal year for which such amounts are appropriated''; and

(ii) by striking ''during such period'' and inserting '', during such period or such fiscal year,''; and

(C) in paragraph (3), by striking ''For the period of fiscal years 2024 through 2027, an amount equal to 10 percent of such amounts'' and inserting ''Beginning with fiscal year 2024, an amount equal to 10 percent of such amounts for the period or the fiscal year for which such amounts are appropriated''; and

(2) in subsection (g)—

(A) by striking ''2017,,'' and inserting ''2017,'';

(B) by striking ''and $48,000,000'' and inserting ''$48,000,000''; and

(C) by inserting after ''through 2027'' the following: '', $12,000,000 for fiscal year 2028, and, for each fiscal year after fiscal year 2028, the amount appropriated under this subsection for the previous fiscal year, increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) over such previous fiscal year''.

(f) CHILD ENROLLMENT CONTINGENCY FUND.—Section 2104(n) of the Social Security Act (42 U.S.C. 1397dd(n)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)(ii)—

(i) by striking ''and 2024 through 2026'' and inserting ''beginning with fiscal year 2024''; and

(ii) by striking ''2023, and 2027'' and inserting '', and 2023''; and

(B) in subparagraph (B)—

(i) by striking ''2024 through 2026'' and inserting ''beginning with fiscal year 2024''; and

(ii) by striking ''2023, and 2027'' and inserting '', and 2023''; and

(2) in paragraph (3)(A)—

(A) by striking ''fiscal years 2024 through 2026'' and inserting ''beginning with fiscal year 2024''; and

(B) by striking ''2023, or 2027'' and inserting '', or 2023''.

SEC. 209. STATE OPTION TO INCREASE CHILDREN'S ELIGIBILITY FOR MEDICAID AND CHIP.

Section 2110(b)(1)(B)(ii) of the Social Security Act (42 U.S.C. 1397jj(b)(1)(B)(ii)) is amended—

(1) in subclause (II), by striking ''or'' at the end;

(2) in subclause (III), by striking ''and'' at the end and inserting ''or''; and

(3) by inserting after subclause (III) the following new subclause:

''(IV) at the option of the State, whose family income exceeds the maximum income level otherwise established for children under the State child health plan as of the date of the enactment of this subclause; and''.

SEC. 210. MEDICAID COVERAGE FOR CITIZENS OF FREELY ASSOCIATED STATES.

(a) IN GENERAL.—Section 402(b)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(b)(2)) is amended by adding at the end the following new subparagraph:

''(G) MEDICAID EXCEPTION FOR CITIZENS OF FREELY ASSOCIATED STATES.—With respect to eligibility for benefits for the designated Federal program defined in paragraph (3)(C) (relating to the Medicaid program), section 401(a) and paragraph (1) shall not apply to any individual who lawfully resides in 1 of the 50 States or the District of Columbia in accordance with the Compacts of Free Association between the Government of the United States and the Governments of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau and shall not apply, at the option of the Governor of Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, or American Samoa as communicated to the Secretary of Health and Human Services in writing, to any individual who lawfully resides in the respective territory in accordance with such Compacts.''.

(b) EXCEPTION TO 5–YEAR LIMITED ELIGIBILITY.—Section 403(d) of such Act (8 U.S.C. 1613(d)) is amended—

(1) in paragraph (1), by striking ''or'' at the end;

(2) in paragraph (2), by striking the period at the end and inserting ''; or''; and

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

''(3) an individual described in section 402(b)(2)(G), but only with respect to the designated Federal program defined in section 402(b)(3)(C).''.

(c) DEFINITION OF QUALIFIED ALIEN.—Section 431(b) of such Act (8 U.S.C. 1641(b)) is amended—

(1) in paragraph (6), by striking ''; or'' at the end and inserting a comma;

(2) in paragraph (7), by striking the period at the end and inserting '', or''; and

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

''(8) an individual who lawfully resides in the United States in accordance with a Compact of Free Association referred to in section 402(b)(2)(G), but only with respect to the designated Federal program defined in section 402(b)(3)(C) (relating to the Medicaid program).''.

(d) APPLICATION TO STATE PLANS.—Section 1902(a)(10)(A)(i) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(i)) is amended by inserting after subclause (IX) the following:

''(X) who are described in section 402(b)(2)(G) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 and eligible for benefits under this title by reason of application of such section;''.

(e) CONFORMING AMENDMENTS.—Section 1108 of the Social Security Act (42 U.S.C. 1308) is amended—

(1) in subsection (f), in the matter preceding paragraph (1), by striking ''subsections (g) and (h) and section 1935(e)(1)(B)'' and inserting ''subsections (g), (h), and (i) and section 1935(e)(1)(B)''; and

(2) by adding at the end the following:

''(i) EXCLUSION OF MEDICAL ASSISTANCE EXPENDITURES FOR CITIZENS OF FREELY ASSOCIATED STATES.—Expenditures for medical assistance provided to an individual described in section 431(b)(8) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(b)(8)) shall not be taken into account for purposes of applying payment limits under subsections (f) and (g).''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to benefits for items and services furnished on or after the date of the enactment of this Act.

SEC. 211. EXTENSION OF FULL FEDERAL MEDICAL ASSISTANCE PERCENTAGE TO INDIAN HEALTH CARE PROVIDERS.

(a) IN GENERAL.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(1) in subsection (a), by amending paragraph (9) to read as follows:

''(9) clinic services furnished by or under the direction of a physician, without regard to whether the clinic itself is administered by a physician, including—

''(A) such services furnished outside the clinic by clinic personnel to an eligible individual who does not reside in a permanent dwelling or does not have a fixed home or mailing address; and

''(B) such services provided outside the clinic on the basis of a referral from a clinic administered by an Indian Health Program (as defined in paragraph (12) of section 4 of the Indian Health Care Improvement Act, or an Urban Indian Organization as defined in paragraph (29) of section 4 of such Act that has a grant or contract with the Indian Health Service under title V of such Act;''.

(2) in subsection (b), by inserting after ''(as defined in section 4 of the Indian Health Care Improvement Act)'' the following: ''; the Federal medical assistance percentage shall also be 100 per centum with respect to amounts expended as medical assistance for services which are received through an Urban Indian organization (as defined in section 4 of the Indian Health Care Improvement Act) that has a grant or contract with the Indian Health Service under title V of such Act''.

(b) EXTENSION OF FULL FEDERAL MEDICAL ASSISTANCE PERCENTAGE TO SERVICES FURNISHED BY NATIVE HAWAIIAN HEALTH CARE SYSTEMS.—

(1) IN GENERAL.—Beginning on the date of enactment of this Act—

(A) for purposes of section 1905(a)(9) of the Social Security Act (42 U.S.C. 1396d(a)(9)), services described in subsection (b) that are furnished in any location shall be deemed to be clinic services; and

(B) notwithstanding section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)), the Federal medical assistance percentage with respect to amounts expended as medical assistance for such services shall be 100 percent.

(2) SERVICES DESCRIBED.—The services described in this subsection are services for which payment is available under the State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) of Hawaii (or any waiver of such plan) that—

(A) are furnished on or after the date of enactment of this Act;

(B) are furnished to an individual who—

(i) is a Native Hawaiian; and

(ii) is eligible for medical assistance under such plan; and

(C) are furnished by an Indian health care provider (as such term is defined in section 1932(h)(4)(A) of the Social Security Act (42 U.S.C. 1396u–2(h)(4)(A)) or a Native Hawaiian health care system (without regard to whether such services are furnished through an Indian Health Service facility).

TITLE III—LOWERING PRICES THROUGH FAIR DRUG PRICE NEGOTIATION

SEC. 301. ESTABLISHING A FAIR DRUG PRICING PROGRAM.

(a) PROGRAM TO LOWER PRICES FOR CERTAIN HIGH-PRICED SINGLE SOURCE DRUGS.—Title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by adding at the end the following new part:

''PART E—FAIR PRICE NEGOTIATION PROGRAM TO LOWER PRICES FOR CERTAIN HIGH-PRICED SINGLE SOURCE DRUGS

''SEC. 1191. ESTABLISHMENT OF PROGRAM.

''(a) IN GENERAL.—The Secretary shall establish a Fair Price Negotiation Program (in this part referred to as the 'program'). Under the program, with respect to each price applicability period, the Secretary shall—

''(1) publish a list of selected drugs in accordance with section 1192;

''(2) enter into agreements with manufacturers of selected drugs with respect to such period, in accordance with section 1193;

''(3) negotiate and, if applicable, renegotiate maximum fair prices for such selected drugs, in accordance with section 1194; and

''(4) carry out the administrative duties described in section 1196.

''(b) DEFINITIONS RELATING TO TIMING.—For purposes of this part:

''(1) INITIAL PRICE APPLICABILITY YEAR.—The term 'initial price applicability year' means a plan year (beginning with plan year 2023) or, if agreed to in an agreement under section 1193 by the Secretary and manufacturer involved, a period of more than one plan year (beginning on or after January 1, 2023).

''(2) PRICE APPLICABILITY PERIOD.—The term 'price applicability period' means, with respect to a drug, the period beginning with the initial price applicability year with respect to which such drug is a selected drug and ending with the last plan year during which the drug is a selected drug.

''(3) SELECTED DRUG PUBLICATION DATE.—The term 'selected drug publication date' means, with respect to each initial price applicability year, April 15 of the plan year that begins 2 years prior to such year.

''(4) VOLUNTARY NEGOTIATION PERIOD.—The term 'voluntary negotiation period' means, with respect to an initial price applicability year with respect to a selected drug, the period—

''(A) beginning on the sooner of—

''(i) the date on which the manufacturer of the drug and the Secretary enter into an agreement under section 1193 with respect to such drug; or

''(ii) June 15 following the selected drug publication date with respect to such selected drug; and

''(B) ending on March 31 of the year that begins one year prior to the initial price applicability year.

''(c) OTHER DEFINITIONS.—For purposes of this part:

''(1) FAIR PRICE ELIGIBLE INDIVIDUAL.—The term 'fair price eligible individual' means, with respect to a selected drug—

''(A) in the case such drug is furnished or dispensed to the individual at a pharmacy or by a mail order service—

''(i) an individual who is enrolled under a prescription drug plan under part D of title XVIII or an MA–PD plan under part C of such title if coverage is provided under such plan for such selected drug; and

''(ii) an individual who is enrolled under a group health plan or health insurance coverage offered in the group or individual market (as such terms are defined in section 2791 of the Public Health Service Act) with respect to which there is in effect an agreement with the Secretary under section 1197 with respect to such selected drug as so furnished or dispensed; and

''(B) in the case such drug is furnished or administered to the individual by a hospital, physician, or other provider of services or supplier—

''(i) an individual who is entitled to benefits under part A of title XVIII or enrolled under part B of such title if such selected drug is covered under the respective part; and

''(ii) an individual who is enrolled under a group health plan or health insurance coverage offered in the group or individual market (as such terms are defined in section 2791 of the Public Health Service Act) with respect to which there is in effect an agreement with the Secretary under section 1197 with respect to such selected drug as so furnished or administered.

''(2) MAXIMUM FAIR PRICE.—The term 'maximum fair price' means, with respect to a plan year during a price applicability period and with respect to a selected drug (as defined in section 1192(c)) with respect to such period, the price published pursuant to section 1195 in the Federal Register for such drug and year.

''(3) AVERAGE INTERNATIONAL MARKET PRICE DEFINED.—

''(A) IN GENERAL.—The terms 'average international market price' and 'AIM price' mean, with respect to a drug, the average price (which shall be the net average price, if practicable, and volume-weighted, if practicable) for a unit (as defined in paragraph (4)) of the drug for sales of such drug (calculated across different dosage forms and strengths of the drug and not based on the specific formulation or package size or package type), as computed (as of the date of publication of such drug as a selected drug under section 1192(a)) in all countries described in clause (ii) of subparagraph (B) that are applicable countries (as described in clause (i) of such subparagraph) with respect to such drug.

''(B) APPLICABLE COUNTRIES.—

''(i) IN GENERAL.—For purposes of subparagraph (A), a country described in clause (ii) is an applicable country described in this clause with respect to a drug if there is available an average price for any unit for the drug for sales of such drug in such country.

''(ii) COUNTRIES DESCRIBED.—For purposes of this paragraph, the following are countries described in this clause:

''(I) Australia.

''(II) Canada.

''(III) France.

''(IV) Germany.

''(V) Japan.

''(VI) The United Kingdom.

''(4) UNIT.—The term 'unit' means, with respect to a drug, the lowest identifiable quantity (such as a capsule or tablet, milligram of molecules, or grams) of the drug that is dispensed.

''SEC. 1192. SELECTION OF NEGOTIATION-ELIGIBLE DRUGS AS SELECTED DRUGS.

''(a) IN GENERAL.—Not later than the selected drug publication date with respect to an initial price applicability year, subject to subsection (h), the Secretary shall select and publish in the Federal Register a list of—

''(1)(A) with respect to an initial price applicability year during 2023, at least 25 negotiation-eligible drugs described in subparagraphs (A) and (B), but not subparagraph (C), of subsection (d)(1) (or, with respect to an initial price applicability year during such period beginning after 2023, the maximum number (if such number is less than 25) of such negotiation-eligible drugs for the year) with respect to such year; and

''(B) with respect to an initial price applicability year during 2024 or a subsequent year, at least 50 negotiation-eligible drugs described in subparagraphs (A) and (B), but not subparagraph (C), of subsection (d)(1) (or, with respect to an initial price applicability year during such period, the maximum number (if such number is less than 50) of such negotiation-eligible drugs for the year) with respect to such year;

''(2) all negotiation-eligible drugs described in subparagraph (C) of such subsection with respect to such year; and

''(3) all new-entrant negotiation-eligible drugs (as defined in subsection (g)(1)) with respect to such year.

Each drug published on the list pursuant to the previous sentence shall be subject to the negotiation process under section 1194 for the voluntary negotiation period with respect to such initial price applicability year (and the renegotiation process under such section as applicable for any subsequent year during the applicable price applicability period). In applying this subsection, any negotiation-eligible drug that is selected under this subsection for an initial price applicability year shall not count toward the required minimum amount of drugs to be selected under paragraph (1) for any subsequent year, including such a drug so selected that is subject to renegotiation under section 1194.

''(b) SELECTION OF DRUGS.—In carrying out subsection (a)(1) the Secretary shall select for inclusion on the published list described in subsection (a) with respect to a price applicability period, the negotiation-eligible drugs that the Secretary projects will result in the greatest savings to the Federal Government or fair price eligible individuals during the price applicability period. In making this projection of savings for drugs for which there is an AIM price for a price applicability period, the savings shall be projected across different dosage forms and strengths of the drugs and not based on the specific formulation or package size or package type of the drugs, taking into consideration both the volume of drugs for which payment is made, to the extent such data is available, and the amount by which the net price for the drugs exceeds the AIM price for the drugs.

''(c) SELECTED DRUG.—For purposes of this part, each drug included on the list published under subsection (a) with respect to an initial price applicability year shall be referred to as a 'selected drug' with respect to such year and each subsequent plan year beginning before the first plan year beginning after the date on which the Secretary determines two or more drug products—

''(1) are approved or licensed (as applicable)—

''(A) under section 505(j) of the Federal Food, Drug, and Cosmetic Act using such drug as the listed drug; or

''(B) under section 351(k) of the Public Health Service Act using such drug as the reference product; and

''(2) continue to be marketed.

''(d) NEGOTIATION-ELIGIBLE DRUG.—

''(1) IN GENERAL.—For purposes of this part, the term 'negotiation-eligible drug' means, with respect to the selected drug publication date with respect to an initial price applicability year, a qualifying single source drug, as defined in subsection (e), that meets any of the following criteria:

''(A) COVERED PART D DRUGS.—The drug is among the 125 covered part D drugs (as defined in section 1860D–2(e)) for which there was an estimated greatest net spending under parts C and D of title XVIII, as determined by the Secretary, during the most recent plan year prior to such drug publication date for which data are available.

''(B) OTHER DRUGS.—The drug is among the 125 drugs for which there was an estimated greatest net spending in the United States (including the 50 States, the District of Columbia, and the territories of the United States), as determined by the Secretary, during the most recent plan year prior to such drug publication date for which data are available.

''(C) INSULIN.—The drug is a qualifying single source drug described in subsection (e)(3).

''(2) CLARIFICATION.—In determining whether a qualifying single source drug satisfies any of the criteria described in paragraph (1), the Secretary shall, to the extent practicable, use data that is aggregated across dosage forms and strengths of the drug and not based on the specific formulation or package size or package type of the drug.

''(3) PUBLICATION.—Not later than the selected drug publication date with respect to an initial price applicability year, the Secretary shall publish in the Federal Register a list of negotiation-eligible drugs with respect to such selected drug publication date.

''(e) QUALIFYING SINGLE SOURCE DRUG.—For purposes of this part, the term 'qualifying single source drug' means any of the following:

''(1) DRUG PRODUCTS.—A drug that—

''(A) is approved under section 505(c) of the Federal Food, Drug, and Cosmetic Act and continues to be marketed pursuant to such approval; and

''(B) is not the listed drug for any drug that is approved and continues to be marketed under section 505(j) of such Act.

''(2) BIOLOGICAL PRODUCTS.—A biological product that—

''(A) is licensed under section 351(a) of the Public Health Service Act, including any product that has been deemed to be licensed under section 351 of such Act pursuant to section 7002(e)(4) of the Biologics Price Competition and Innovation Act of 2009, and continues to be marketed under section 351 of such Act; and

''(B) is not the reference product for any biological product that is licensed and continues to be marketed under section 351(k) of such Act.

''(3) INSULIN PRODUCT.—Notwithstanding paragraphs (1) and (2), any insulin product that is approved under subsection (c) or (j) of section 505 of the Federal Food, Drug, and Cosmetic Act or licensed under subsection (a) or (k) of section 351 of the Public Health Service Act and continues to be marketed under such section 505 or 351, including any insulin product that has been deemed to be licensed under section 351(a) of the Public Health Service Act pursuant to section 7002(e)(4) of the Biologics Price Competition and Innovation Act of 2009 and continues to be marketed pursuant to such licensure.

For purposes of applying paragraphs (1) and (2), a drug or biological product that is marketed by the same sponsor or manufacturer (or an affiliate thereof or a cross-licensed producer or distributor) as the listed drug or reference product described in such respective paragraph shall not be taken into consideration.

''(f) INFORMATION ON INTERNATIONAL DRUG PRICES.—For purposes of determining which negotiation-eligible drugs to select under subsection (a) and, in the case of such drugs that are selected drugs, to determine the maximum fair price for such a drug and whether such maximum fair price should be renegotiated under section 1194, the Secretary shall use data relating to the AIM price with respect to such drug as available or provided to the Secretary and shall on an ongoing basis request from manufacturers of selected drugs information on the AIM price of such a drug.

''(g) NEW-ENTRANT NEGOTIATION-ELIGIBLE DRUGS.—

''(1) IN GENERAL.—For purposes of this part, the term 'new-entrant negotiation-eligible drug' means, with respect to the selected drug publication date with respect to an initial price applicability year, a qualifying single source drug—

''(A) that is first approved or licensed, as described in paragraph (1), (2), or (3) of subsection (e), as applicable, during the year preceding such selected drug publication date; and

''(B) that the Secretary determines under paragraph (2) is likely to be included as a negotiation-eligible drug with respect to the subsequent selected drug publication date.

''(2) DETERMINATION.—In the case of a qualifying single source drug that meets the criteria described in subparagraph (A) of paragraph (1), with respect to an initial price applicability year, if the wholesale acquisition cost at which such drug is first marketed in the United States is equal to or greater than the median household income (as determined according to the most recent data collected by the United States Census Bureau), the Secretary shall determine before the selected drug publication date with respect to the initial price applicability year, if the drug is likely to be included as a negotiation-eligible drug with respect to the subsequent selected drug publication date, based on the projected spending under title XVIII or in the United States on such drug. For purposes of this paragraph the term 'United States' includes the 50 States, the District of Columbia, and the territories of the United States.

''(h) CONFLICT OF INTEREST.—

''(1) IN GENERAL.—In the case the Inspector General of the Department of Health and Human Services determines the Secretary has a conflict, with respect to a matter described in paragraph (2), the individual described in paragraph (3) shall carry out the duties of the Secretary under this part, with respect to a negotiation-eligible drug, that would otherwise be such a conflict.

''(2) MATTER DESCRIBED.—A matter described in this paragraph is—

''(A) a financial interest (as described in section 2635.402 of title 5, Code of Federal Regulations (except for an interest described in subsection (b)(2)(iv) of such section)) on the date of the selected drug publication date, with respect the price applicability year (as applicable);

''(B) a personal or business relationship (as described in section 2635.502 of such title) on the date of the selected drug publication date, with respect the price applicability year;

''(C) employment by a manufacturer of a negotiation-eligible drug during the preceding 10-year period beginning on the date of the selected drug publication date, with respect to each price applicability year; and

''(D) any other matter the General Counsel determines appropriate.

''(3) INDIVIDUAL DESCRIBED.—An individual described in this paragraph is—

''(A) the highest-ranking officer or employee of the Department of Health and Human Services (as determined by the organizational chart of the Department) that does not have a conflict under this subsection; and

''(B) is nominated by the President and confirmed by the Senate with respect to the position.

"SEC. 1193. MANUFACTURER AGREEMENTS.

''(a) IN GENERAL.—For purposes of section 1191(a)(2), the Secretary shall enter into agreements with manufacturers of selected drugs with respect to a price applicability period, by not later than June 15 following the selected drug publication date with respect to such selected drug, under which—

''(1) during the voluntary negotiation period for the initial price applicability year for the selected drug, the Secretary and manufacturer, in accordance with section 1194, negotiate to determine (and, by not later than the last date of such period and in accordance with subsection (c), agree to) a maximum fair price for such selected drug of the manufacturer in order to provide access to such price—

''(A) to fair price eligible individuals who with respect to such drug are described in subparagraph (A) of section 1191(c)(1) and are furnished or dispensed such drug during, subject to subparagraph (2), the price applicability period; and

''(B) to hospitals, physicians, and other providers of services and suppliers with respect to fair price eligible individuals who with respect to such drug are described in subparagraph (B) of such section and are furnished or administered such drug during, subject to subparagraph (2), the price applicability period;

''(2) the Secretary and the manufacturer shall, in accordance with a process and during a period specified by the Secretary pursuant to rulemaking, renegotiate (and, by not later than the last date of such period and in accordance with subsection (c), agree to) the maximum fair price for such drug if the Secretary determines that there is a material change in any of the factors described in section 1194(d) relating to the drug, including changes in the AIM price for such drug, in order to provide access to such maximum fair price (as so renegotiated)—

''(A) to fair price eligible individuals who with respect to such drug are described in subparagraph (A) of section 1191(c)(1) and are furnished or dispensed such drug during any year during the price applicability period (beginning after such renegotiation) with respect to such selected drug; and

''(B) to hospitals, physicians, and other providers of services and suppliers with respect to fair price eligible individuals who with respect to such drug are described in subparagraph (B) of such section and are furnished or administered such drug during any year described in subparagraph (A);

''(3) the maximum fair price (including as renegotiated pursuant to paragraph (2)), with respect to such a selected drug, shall be provided to fair price eligible individuals, who with respect to such drug are described in subparagraph (A) of section 1191(c)(1), at the pharmacy or by a mail order service at the point-of-sale of such drug;

''(4) the manufacturer, subject to subsection (d), submits to the Secretary, in a form and manner specified by the Secretary—

''(A) for the voluntary negotiation period for the price applicability period (and, if applicable, before any period of renegotiation specified pursuant to paragraph (2)) with respect to such drug all information that the Secretary requires to carry out the negotiation (or renegotiation process) under this part, including information described in section 1192(f) and section 1194(d)(1); and

''(B) on an ongoing basis, information on changes in prices for such drug that would affect the AIM price for such drug or otherwise provide a basis for renegotiation of the maximum fair price for such drug pursuant to paragraph (2);

''(5) the manufacturer agrees that in the case the selected drug of a manufacturer is a drug described in subsection (c), the manufacturer will, in accordance with such subsection, make any payment required under such subsection with respect to such drug; and

''(6) the manufacturer complies with requirements imposed by the Secretary for purposes of administering the program, including with respect to the duties described in section 1196.

''(b) AGREEMENT IN EFFECT UNTIL DRUG IS NO LONGER A SELECTED DRUG.—An agreement entered into under this section shall be effective, with respect to a drug, until such drug is no longer considered a selected drug under section 1192(c).

''(c) SPECIAL RULE FOR CERTAIN SELECTED DRUGS WITHOUT AIM PRICE.—

''(1) IN GENERAL.—In the case of a selected drug for which there is no AIM price available with respect to the initial price applicability year for such drug and for which an AIM price becomes available beginning with respect to a subsequent plan year during the price applicability period for such drug, if the Secretary determines that the amount described in paragraph (2)(A) for a unit of such drug is greater than the amount described in paragraph (2)(B) for a unit of such drug, then by not later than one year after the date of such determination, the manufacturer of such selected drug shall pay to the Treasury an amount equal to the product of—

''(A) the difference between such amount described in paragraph (2)(A) for a unit of such drug and such amount described in paragraph (2)(B) for a unit of such drug; and

''(B) the number of units of such drug sold in the United States, including the 50 States, the District of Columbia, and the territories of the United States, during the period described in paragraph (2)(B).

''(2) AMOUNTS DESCRIBED.—

''(A) WEIGHTED AVERAGE PRICE BEFORE AIM PRICE AVAILABLE.—For purposes of paragraph (1), the amount described in this subparagraph for a selected drug described in such paragraph, is the amount equal to the weighted average manufacturer price (as defined in section 1927(k)(1)) for such dosage strength and form for the drug during the period beginning with the first plan year for which the drug is included on the list of negotiation-eligible drugs published under section 1192(d) and ending with the last plan year during the price applicability period for such drug with respect to which there is no AIM price available for such drug.

''(B) AMOUNT MULTIPLIER AFTER AIM PRICE AVAILABLE.—For purposes of paragraph (1), the amount described in this subparagraph for a selected drug described in such paragraph, is the amount equal to 200 percent of the AIM price for such drug with respect to the first plan year during the price applicability period for such drug with respect to which there is an AIM price available for such drug.

''(d) CONFIDENTIALITY OF INFORMATION.—Information submitted to the Secretary under this part by a manufacturer of a selected drug that is proprietary information of such manufacturer (as determined by the Secretary) may be used only by the Secretary or disclosed to and used by the Comptroller General of the United States or the Medicare Payment Advisory Commission for purposes of carrying out this part.

''(e) REGULATIONS.—

''(1) IN GENERAL.—The Secretary shall, pursuant to rulemaking, specify, in accordance with paragraph (2), the information that must be submitted under subsection (a)(4).

''(2) INFORMATION SPECIFIED.—Information described in paragraph (1), with respect to a selected drug, shall include information on sales of the drug (by the manufacturer of the drug or by another entity under license or other agreement with the manufacturer, with respect to the sales of such drug, regardless of the name under which the drug is sold) in any foreign country that is part of the AIM price. The Secretary shall verify, to the extent practicable, such sales from appropriate officials of the government of the foreign country involved.

''(f) COMPLIANCE WITH REQUIREMENTS FOR ADMINISTRATION OF PROGRAM.—Each manufacturer with an agreement in effect under this section shall comply with requirements imposed by the Secretary or a third party with a contract under section 1196(c)(1), as applicable, for purposes of administering the program.

''SEC. 1194. NEGOTIATION AND RENEGOTIATION PROCESS.

''(a) IN GENERAL.—For purposes of this part, under an agreement under section 1193 between the Secretary and a manufacturer of a selected drug, with respect to the period for which such agreement is in effect and in accordance with subsections (b) and (c), the Secretary and the manufacturer—

''(1) shall during the voluntary negotiation period with respect to the initial price applicability year for such drug, in accordance with this section, negotiate a maximum fair price for such drug for the purpose described in section 1193(a)(1); and

''(2) as applicable pursuant to section 1193(a)(2) and in accordance with the process specified pursuant to such section, renegotiate such maximum fair price for such drug for the purpose described in such section.

''(b) NEGOTIATING METHODOLOGY AND OBJECTIVE.—

''(1) IN GENERAL.—The Secretary shall develop and use a consistent methodology for negotiations under subsection (a) that, in accordance with paragraph (2) and subject to paragraph (3), achieves the lowest maximum fair price for each selected drug while appropriately rewarding innovation.

''(2) PRIORITIZING FACTORS.—In considering the factors described in subsection (d) in negotiating (and, as applicable, renegotiating) the maximum fair price for a selected drug, the Secretary shall, to the extent practicable, consider all of the available factors listed but shall prioritize the following factors:

''(A) RESEARCH AND DEVELOPMENT COSTS.—The factor described in paragraph (1)(A) of subsection (d).

''(B) MARKET DATA.—The factor described in paragraph (1)(B) of such subsection.

''(C) UNIT COSTS OF PRODUCTION AND DISTRIBUTION.—The factor described in paragraph (1)(C) of such subsection.

''(D) COMPARISON TO EXISTING THERAPEUTIC ALTERNATIVES.—The factor described in paragraph (2)(A) of such subsection.

''(3) REQUIREMENT.—

''(A) IN GENERAL.—In negotiating the maximum fair price of a selected drug, with respect to an initial price applicability year for the selected drug, and, as applicable, in renegotiating the maximum fair price for such drug, with respect to a subsequent year during the price applicability period for such drug, in the case that the manufacturer of the selected drug offers under the negotiation or renegotiation, as applicable, a price for such drug that is not more than the target price described in subparagraph (B) for such drug for the respective year, the Secretary shall agree under such negotiation or renegotiation, respectively, to such offered price as the maximum fair price.

''(B) TARGET PRICE.—

''(i) IN GENERAL.—Subject to clause (ii), the target price described in this subparagraph for a selected drug with respect to a year, is the average price (which shall be the net average price, if practicable, and volume-weighted, if practicable) for a unit of such drug for sales of such drug, as computed (across different dosage forms and strengths of the drug and not based on the specific formulation or package size or package type of the drug) in the applicable country described in section 1191(c)(3)(B) with respect to such drug that, with respect to such year, has the lowest average price for such drug as compared to the average prices (as so computed) of such drug with respect to such year in the other applicable countries described in such section with respect to such drug.

''(ii) SELECTED DRUGS WITHOUT AIM PRICE.—In applying this paragraph in the case of negotiating the maximum fair price of a selected drug for which there is no AIM price available with respect to the initial price applicability year for such drug, or, as applicable, renegotiating the maximum fair price for such drug with respect to a subsequent year during the price applicability period for such drug before the first plan year for which there is an AIM price available for such drug, the target price described in this subparagraph for such drug and respective year is the amount that is 80 percent of the average manufacturer price (as defined in section 1927(k)(1)) for such drug and year.

''(4) ANNUAL REPORT.—After the completion of each voluntary negotiation period, the Secretary shall submit to Congress a report on the maximum fair prices negotiated (or, as applicable, renegotiated) for such period. Such report shall include information on how such prices so negotiated (or renegotiated) meet the requirements of this part, including the requirements of this subsection.

''(c) LIMITATION.—

''(1) IN GENERAL.—Subject to paragraph (2), the maximum fair price negotiated (including as renegotiated) under this section for a selected drug, with respect to each plan year during a price applicability period for such drug, shall not exceed 120 percent of the AIM price applicable to such drug with respect to such year.

''(2) SELECTED DRUGS WITHOUT AIM PRICE.—In the case of a selected drug for which there is no AIM price available with respect to the initial price applicability year for such drug, for each plan year during the price applicability period before the first plan year for which there is an AIM price available for such drug, the maximum fair price negotiated (including as renegotiated) under this section for the selected drug shall not exceed the amount equal to 85 percent of the average manufacturer price for the drug with respect to such year.

''(d) CONSIDERATIONS.—For purposes of negotiating and, as applicable, renegotiating (including for purposes of determining whether to renegotiate) the maximum fair price of a selected drug under this part with the manufacturer of the drug, the Secretary, consistent with subsection (b)(2), shall take into consideration the factors described in paragraphs (1), (2), (3), and (5), and may take into consideration the factor described in paragraph (4):

''(1) MANUFACTURER-SPECIFIC INFORMATION.—The following information, including as submitted by the manufacturer:

''(A) Research and development costs of the manufacturer for the drug and the extent to which the manufacturer has recouped research and development costs.

''(B) Market data for the drug, including the distribution of sales across different programs and purchasers and projected future revenues for the drug.

''(C) Unit costs of production and distribution of the drug.

''(D) Prior Federal financial support for novel therapeutic discovery and development with respect to the drug.

''(E) Data on patents and on existing and pending exclusivity for the drug.

''(F) National sales data for the drug.

''(G) Information on clinical trials for the drug in the United States or in applicable countries described in section 1191(c)(3)(B).

''(2) INFORMATION ON ALTERNATIVE PRODUCTS.—The following information:

''(A) The extent to which the drug represents a therapeutic advance as compared to existing therapeutic alternatives and, to the extent such information is available, the costs of such existing therapeutic alternatives.

''(B) Information on approval by the Food and Drug Administration of alternative drug products.

''(C) Information on comparative effectiveness analysis for such products, taking into consideration the effects of such products on specific populations, such as individuals with disabilities, the elderly, terminally ill, children, and other patient populations.

In considering information described in subparagraph (C), the Secretary shall not use evidence or findings from comparative clinical effectiveness research in a manner that treats extending the life of an elderly, disabled, or terminally ill individual as of lower value than extending the life of an individual who is younger, nondisabled, or not terminally ill. Nothing in the previous sentence shall affect the application or consideration of an AIM price for a selected drug.

''(3) FOREIGN SALES INFORMATION.—To the extent available on a timely basis, including as provided by a manufacturer of the selected drug or otherwise, information on sales of the selected drug in each of the countries described in section 1191(c)(3)(B).

''(4) VA DRUG PRICING INFORMATION.—Information disclosed to the Secretary pursuant to subsection (f).

''(5) ADDITIONAL INFORMATION.—Information submitted to the Secretary, in accordance with a process specified by the Secretary, by other parties that are affected by the establishment of a maximum fair price for the selected drug.

''(e) REQUEST FOR INFORMATION.—For purposes of negotiating and, as applicable, renegotiating (including for purposes of determining whether to renegotiate) the maximum fair price of a selected drug under this part with the manufacturer of the drug, with respect to a price applicability period, and other relevant data for purposes of this section—

''(1) the Secretary shall, not later than the selected drug publication date with respect to the initial price applicability year of such period, request drug pricing information from the manufacturer of such selected drug, including information described in subsection (d)(1); and

''(2) by not later than October 1 following the selected drug publication date, the manufacturer of such selected drug shall submit to the Secretary such requested information in such form and manner as the Secretary may require. The Secretary shall request, from the manufacturer or others, such additional information as may be needed to carry out the negotiation and renegotiation process under this section.

''(f) DISCLOSURE OF INFORMATION.—For purposes of this part, the Secretary of Veterans Affairs may disclose to the Secretary of Health and Human Services the price of any negotiation-eligible drug that is purchased pursuant to section 8126 of title 38, United States Code.

''SEC. 1195. PUBLICATION OF MAXIMUM FAIR PRICES.

''(a) IN GENERAL.—With respect to an initial price applicability year and selected drug with respect to such year, not later than April 1 of the plan year prior to such initial price applicability year, the Secretary shall publish in the Federal Register the maximum fair price for such drug negotiated under this part with the manufacturer of such drug.

''(b) UPDATES.—

''(1) SUBSEQUENT YEAR MAXIMUM FAIR PRICES.—For a selected drug, for each plan year subsequent to the initial price applicability year for such drug with respect to which an agreement for such drug is in effect under section 1193, the Secretary shall publish in the Federal Register—

''(A) subject to subparagraph (B), the amount equal to the maximum fair price published for such drug for the previous year, increased by the annual percentage increase in the consumer price index for all urban consumers (all items; U.S. city average) as of September of such previous year; or

''(B) in the case the maximum fair price for such drug was renegotiated, for the first year for which such price as so renegotiated applies, such renegotiated maximum fair price.

''(2) PRICES NEGOTIATED AFTER DEADLINE.—In the case of a selected drug with respect to an initial price applicability year for which the maximum fair price is determined under this part after the date of publication under this section, the Secretary shall publish such maximum fair price in the Federal Register by not later than 30 days after the date such maximum price is so determined.

''SEC. 1196. ADMINISTRATIVE DUTIES; COORDINATION PROVISIONS.

''(a) ADMINISTRATIVE DUTIES.—

''(1) IN GENERAL.—For purposes of section 1191, the administrative duties described in this section are the following:

''(A) The establishment of procedures (including through agreements with manufacturers under this part, contracts with prescription drug plans under part D of title XVIII and MA–PD plans under part C of such title, and agreements under section 1197 with group health plans and health insurance issuers of health insurance coverage offered in the individual or group market) under which the maximum fair price for a selected drug is provided to fair price eligible individuals, who with respect to such drug are described in subparagraph (A) of section 1191(c)(1), at pharmacies or by mail order service at the point-of-sale of the drug for the applicable price period for such drug and providing that such maximum fair price is used for determining cost-sharing under such plans or coverage for the selected drug.

''(B) The establishment of procedures (including through agreements with manufacturers under this part and contracts with hospitals, physicians, and other providers of services and suppliers and agreements under section 1197 with group health plans and health insurance issuers of health insurance coverage offered in the individual or group market) under which, in the case of a selected drug furnished or administered by such a hospital, physician, or other provider of services or supplier to fair price eligible individuals (who with respect to such drug are described in subparagraph (B) of section 1191(c)(1)), the maximum fair price for the selected drug is provided to such hospitals, physicians, and other providers of services and suppliers (as applicable) with respect to such individuals and providing that such maximum fair price is used for determining cost-sharing under the respective part, plan, or coverage for the selected drug.

''(C) The establishment of procedures (including through agreements and contracts described in subparagraphs (A) and (B)) to ensure that, not later than 90 days after the dispensing of a selected drug to a fair price eligible individual by a pharmacy or mail order service, the pharmacy or mail order service is reimbursed for an amount equal to the difference between—

''(i) the lesser of—

''(I) the wholesale acquisition cost of the drug;

''(II) the national average drug acquisition cost of the drug; and

''(III) any other similar determination of pharmacy acquisition costs of the drug, as determined by the Secretary; and

''(ii) the maximum fair price for the drug.

''(D) The establishment of procedures to ensure that the maximum fair price for a selected drug is applied before—

''(i) any coverage or financial assistance under other health benefit plans or programs that provide coverage or financial assistance for the purchase or provision of prescription drug coverage on behalf of fair price eligible individuals as the Secretary may specify; and

''(ii) any other discounts.

''(E) The establishment of procedures to enter into appropriate agreements and protocols for the ongoing computation of AIM prices for selected drugs, including, to the extent possible, to compute the AIM price for selected drugs and including by providing that the manufacturer of such a selected drug should provide information for such computation not later than 3 months after the first date of the voluntary negotiation period for such selected drug.

''(F) The establishment of procedures to compute and apply the maximum fair price across different strengths and dosage forms of a selected drug and not based on the specific formulation or package size or package type of the drug.

''(G) The establishment of procedures to negotiate and apply the maximum fair price in a manner that does not include any dispensing or similar fee.

''(H) The establishment of procedures to carry out the provisions of this part, as applicable, with respect to—

''(i) fair price eligible individuals who are enrolled under a prescription drug plan under part D of title XVIII or an MA–PD plan under part C of such title;

''(ii) fair price eligible individuals who are enrolled under a group health plan or health insurance coverage offered by a health insurance issuer in the individual or group market with respect to which there is an agreement in effect under section 1197; and

''(iii) fair price eligible individuals who are entitled to benefits under part A of title XVIII or enrolled under part B of such title.

''(I) The establishment of a negotiation process and renegotiation process in accordance with section 1194, including a process for acquiring information described in subsection (d) of such section and determining amounts described in subsection (b) of such section.

''(J) The provision of a reasonable dispute resolution mechanism to resolve disagreements between manufacturers, fair price eligible individuals, and the third party with a contract under subsection (c)(1).

''(2) MONITORING COMPLIANCE.—

''(A) IN GENERAL.—The Secretary shall monitor compliance by a manufacturer with the terms of an agreement under section 1193, including by establishing a mechanism through which violations of such terms may be reported.

''(B) NOTIFICATION.—If a third party with a contract under subsection (c)(1) determines that the manufacturer is not in compliance with such agreement, the third party shall notify the Secretary of such noncompliance for appropriate enforcement under section 4192 of the Internal Revenue Code of 1986 or section 1198, as applicable.

''(b) COLLECTION OF DATA.—

''(1) FROM PRESCRIPTION DRUG PLANS AND MA–PD PLANS.—The Secretary may collect appropriate data from prescription drug plans under part D of title XVIII and MA–PD plans under part C of such title in a timeframe that allows for maximum fair prices to be provided under this part for selected drugs.

''(2) FROM HEALTH PLANS.—The Secretary may collect appropriate data from group health plans or health insurance issuers offering group or individual health insurance coverage in a timeframe that allows for maximum fair prices to be provided under this part for selected drugs.

''(3) COORDINATION OF DATA COLLECTION.—To the extent feasible, as determined by the Secretary, the Secretary shall ensure that data collected pursuant to this subsection is coordinated with, and not duplicative of, other Federal data collection efforts.

''(c) CONTRACT WITH THIRD PARTIES.—

''(1) IN GENERAL.—The Secretary may enter into a contract with 1 or more third parties to administer the requirements established by the Secretary in order to carry out this part. At a minimum, the contract with a third party under the preceding sentence shall require that the third party—

''(A) receive and transmit information between the Secretary, manufacturers, and other individuals or entities the Secretary determines appropriate;

''(B) receive, distribute, or facilitate the distribution of funds of manufacturers to appropriate individuals or entities in order to meet the obligations of manufacturers under agreements under this part;

''(C) provide adequate and timely information to manufacturers, consistent with the agreement with the manufacturer under this part, as necessary for the manufacturer to fulfill its obligations under this part; and

''(D) permit manufacturers to conduct periodic audits, directly or through contracts, of the data and information used by the third party to determine discounts for applicable drugs of the manufacturer under the program.

''(2) PERFORMANCE REQUIREMENTS.—The Secretary shall establish performance requirements for a third party with a contract under paragraph (1) and safeguards to protect the independence and integrity of the activities carried out by the third party under the program under this part.

''SEC. 1197. VOLUNTARY PARTICIPATION BY OTHER HEALTH PLANS.

''(a) AGREEMENT TO PARTICIPATE UNDER PROGRAM.—

''(1) IN GENERAL.—Subject to paragraph (2), under the program under this part the Secretary shall be treated as having in effect an agreement with a group health plan or health insurance issuer offering group or individual health insurance coverage (as such terms are defined in section 2791 of the Public Health Service Act), with respect to a price applicability period and a selected drug with respect to such period—

''(A) with respect to such selected drug furnished or dispensed at a pharmacy or by mail order service if coverage is provided under such plan or coverage during such period for such selected drug as so furnished or dispensed; and

''(B) with respect to such selected drug furnished or administered by a hospital, physician, or other provider of services or supplier if coverage is provided under such plan or coverage during such period for such selected drug as so furnished or administered.

''(2) OPTING OUT OF AGREEMENT.—The Secretary shall not be treated as having in effect an agreement under the program under this part with a group health plan or health insurance issuer offering group or individual health insurance coverage with respect to a price applicability period and a selected drug with respect to such period if such a plan or issuer affirmatively elects, through a process specified by the Secretary, not to participate under the program with respect to such period and drug.

''(b) PUBLICATION OF ELECTION.—With respect to each price applicability period and each selected drug with respect to such period, the Secretary and the Secretary of Labor and the Secretary of the Treasury, as applicable, shall make public a list of each group health plan and each health insurance issuer offering group or individual health insurance coverage, with respect to which coverage is provided under such plan or coverage for such drug, that has elected under subsection (a) not to participate under the program with respect to such period and drug.

''SEC. 1198. CIVIL MONETARY PENALTY.

''(a) VIOLATIONS RELATING TO OFFERING OF MAXIMUM FAIR PRICE.—Any manufacturer of a selected drug that has entered into an agreement under section 1193, with respect to a plan year during the price applicability period for such drug, that does not provide access to a price that is not more than the maximum fair price (or a lesser price) for such drug for such year—

''(1) to a fair price eligible individual who with respect to such drug is described in subparagraph (A) of section 1191(c)(1) and who is furnished or dispensed such drug during such year; or

''(2) to a hospital, physician, or other provider of services or supplier with respect to fair price eligible individuals who with respect to such drug is described in subparagraph (B) of such section and is furnished or administered such drug by such hospital, physician, or provider or supplier during such year;

shall be subject to a civil monetary penalty equal to ten times the amount equal to the difference between the price for such drug made available for such year by such manufacturer with respect to such individual or hospital, physician, provider, or supplier and the maximum fair price for such drug for such year.

''(b) VIOLATIONS OF CERTAIN TERMS OF AGREEMENT.—Any manufacturer of a selected drug that has entered into an agreement under section 1193, with respect to a plan year during the price applicability period for such drug, that is in violation of a requirement imposed pursuant to section 1193(a)(6) shall be subject to a civil monetary penalty of not more than $1,000,000 for each such violation.

''(c) APPLICATION.—The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil monetary penalty under this section in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

''SEC. 1199. MISCELLANEOUS PROVISIONS.

''(a) PAPERWORK REDUCTION ACT.—Chapter 35 of title 44, United States Code, shall not apply to data collected under this part.

''(b) NATIONAL ACADEMY OF MEDICINE STUDY.—Not later than December 31, 2025, the National Academy of Medicine shall conduct a study, and submit to Congress a report, on recommendations for improvements to the program under this part, including the determination of the limits applied under section 1194(c).

''(c) MEDPAC STUDY.—Not later than December 31, 2025, the Medicare Payment Advisory Commission shall conduct a study, and submit to Congress a report, on the program under this part with respect to the Medicare program under title XVIII, including with respect to the effect of the program on individuals entitled to benefits or enrolled under such title.

''(d) LIMITATION ON JUDICIAL REVIEW.—The following shall not be subject to judicial review:

''(1) The selection of drugs for publication under section 1192(a).

''(2) The determination of whether a drug is a negotiation-eligible drug under section 1192(d).

''(3) The determination of the maximum fair price of a selected drug under section 1194.

''(4) The determination of units of a drug for purposes of section 1191(c)(3).

''(e) COORDINATION.—In carrying out this part with respect to group health plans or health insurance coverage offered in the group market that are subject to oversight by the Secretary of Labor or the Secretary of the Treasury, the Secretary of Health and Human Services shall coordinate with such respective Secretary.

''(f) DATA SHARING.—The Secretary shall share with the Secretary of the Treasury such information as is necessary to determine the tax imposed by section 4192 of the Internal Revenue Code of 1986.

''(g) GAO STUDY.—Not later than December 31, 2025, the Comptroller General of the United States shall conduct a study of, and submit to Congress a report on, the implementation of the Fair Price Negotiation Program under this part.''.

(b) APPLICATION OF MAXIMUM FAIR PRICES AND CONFORMING AMENDMENTS.—

(1) UNDER MEDICARE.—

(A) APPLICATION TO PAYMENTS UNDER PART B.—Section 1847A(b)(1)(B) of the Social Security Act (42 U.S.C. 1395w–3a(b)(1)(B)) is amended by inserting ''or in the case of such a drug or biological that is a selected drug (as defined in section 1192(c)), with respect to a price applicability period (as defined in section 1191(b)(2)), 106 percent of the maximum fair price (as defined in section 1191(c)(2) applicable for such drug and a plan year during such period'' after ''paragraph (4)''.

(B) EXCEPTION TO PART D NON-INTERFERENCE.—Section 1860D–11(i) of the Social Security Act (42 U.S.C. 1395w–111(i)) is amended by inserting '', except as provided under part E of title XI'' after ''the Secretary''.

(C) APPLICATION AS NEGOTIATED PRICE UNDER PART D.—Section 1860D–2(d)(1) of the Social Security Act (42 U.S.C. 1395w–102(d)(1)) is amended—

(i) in subparagraph (B), by inserting '', subject to subparagraph (D),'' after ''negotiated prices''; and

(ii) by adding at the end the following new subparagraph:

''(D) APPLICATION OF MAXIMUM FAIR PRICE FOR SELECTED DRUGS.—In applying this section, in the case of a covered part D drug that is a selected drug (as defined in section 1192(c)), with respect to a price applicability period (as defined in section 1191(b)(2)), the negotiated prices used for payment (as described in this subsection) shall be the maximum fair price (as defined in section 1191(c)(2)) for such drug and for each plan year during such period.''.

(D) INFORMATION FROM PRESCRIPTION DRUG PLANS AND MA–PD PLANS REQUIRED.—

(i) PRESCRIPTION DRUG PLANS.—Section 1860D–12(b) of the Social Security Act (42 U.S.C. 1395w–112(b)) is amended by adding at the end the following new paragraph:

''(8) PROVISION OF INFORMATION RELATED TO MAXIMUM FAIR PRICES.—Each contract entered into with a PDP sponsor under this part with respect to a prescription drug plan offered by such sponsor shall require the sponsor to provide information to the Secretary as requested by the Secretary in accordance with section 1196(b).''.

(ii) MA–PD PLANS.—Section 1857(f)(3) of the Social Security Act (42 U.S.C. 1395w–27(f)(3)) is amended by adding at the end the following new subparagraph:

''(E) PROVISION OF INFORMATION RELATED TO MAXIMUM FAIR PRICES.—Section 1860D–12(b)(8).''.

(2) UNDER GROUP HEALTH PLANS AND HEALTH INSURANCE COVERAGE.—

(A) PHSA.—Part A of title XXVII of the Public Health Service Act is amended by inserting after section 2729 the following new section:

"SEC. 2729A. FAIR PRICE NEGOTIATION PROGRAM AND APPLICATION OF MAXIMUM FAIR PRICES.

''(a) IN GENERAL.—In the case of a group health plan or health insurance issuer offering group or individual health insurance coverage that is treated under section 1197 of the Social Security Act as having in effect an agreement with the Secretary under the Fair Price Negotiation Program under part E of title XI of such Act, with respect to a price applicability period (as defined in section 1191(b) of such Act) and a selected drug (as defined in section 1192(c) of such Act) with respect to such period with respect to which coverage is provided under such plan or coverage—

''(1) the provisions of such part shall apply—

''(A) if coverage of such selected drug is provided under such plan or coverage if the drug is furnished or dispensed at a pharmacy or by a mail order service, to the plans or coverage offered by such plan or issuer, and to the individuals enrolled under such plans or coverage, during such period, with respect to such selected drug, in the same manner as such provisions apply to prescription drug plans and MA–PD plans, and to individuals enrolled under such prescription drug plans and MA–PD plans during such period; and

''(B) if coverage of such selected drug is provided under such plan or coverage if the drug is furnished or administered by a hospital, physician, or other provider of services or supplier, to the plans or coverage offered by such plan or issuers, to the individuals enrolled under such plans or coverage, and to hospitals, physicians, and other providers of services and suppliers during such period, with respect to such drug in the same manner as such provisions apply to the Secretary, to individuals entitled to benefits under part A of title XVIII or enrolled under part B of such title, and to hospitals, physicians, and other providers and suppliers participating under title XVIII during such period;

''(2) the plan or issuer shall apply any cost-sharing responsibilities under such plan or coverage, with respect to such selected drug, by substituting an amount not more than the maximum fair price negotiated under such part E of title XI for such drug in lieu of the drug price upon which the cost-sharing would have otherwise applied, and such cost-sharing responsibilities with respect to such selected drug may not exceed such maximum fair price; and

''(3) the Secretary shall apply the provisions of such part E to such plan, issuer, and coverage, such individuals so enrolled in such plans and coverage, and such hospitals, physicians, and other providers and suppliers participating in such plans and coverage.

''(b) NOTIFICATION REGARDING NONPARTICIPATION IN FAIR PRICE NEGOTIATION PROGRAM.—A group health plan or a health insurance issuer offering group or individual health insurance coverage shall publicly disclose in a manner and in accordance with a process specified by the Secretary any election made under section 1197 of the Social Security Act by the plan or issuer to not participate in the Fair Price Negotiation Program under part E of title XI of such Act with respect to a selected drug (as defined in section 1192(c) of such Act) for which coverage is provided under such plan or coverage before the beginning of the plan year for which such election was made.''.

(B) ERISA.—

(i) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181 et. seq.) is amended by adding at the end the following new section:

"SEC. 716. FAIR PRICE NEGOTIATION PROGRAM AND APPLICATION OF MAXIMUM FAIR PRICES.

''(a) IN GENERAL.—In the case of a group health plan or health insurance issuer offering group health insurance coverage that is treated under section 1197 of the Social Security Act as having in effect an agreement with the Secretary under the Fair Price Negotiation Program under part E of title XI of such Act, with respect to a price applicability period (as defined in section 1191(b) of such Act) and a selected drug (as defined in section 1192(c) of such Act) with respect to such period with respect to which coverage is provided under such plan or coverage—

''(1) the provisions of such part shall apply, as applicable—

''(A) if coverage of such selected drug is provided under such plan or coverage if the drug is furnished or dispensed at a pharmacy or by a mail order service, to the plans or coverage offered by such plan or issuer, and to the individuals enrolled under such plans or coverage, during such period, with respect to such selected drug, in the same manner as such provisions apply to prescription drug plans and MA–PD plans, and to individuals enrolled under such prescription drug plans and MA–PD plans during such period; and

''(B) if coverage of such selected drug is provided under such plan or coverage if the drug is furnished or administered by a hospital, physician, or other provider of services or supplier, to the plans or coverage offered by such plan or issuers, to the individuals enrolled under such plans or coverage, and to hospitals, physicians, and other providers of services and suppliers during such period, with respect to such drug in the same manner as such provisions apply to the Secretary, to individuals entitled to benefits under part A of title XVIII or enrolled under part B of such title, and to hospitals, physicians, and other providers and suppliers participating under title XVIII during such period;

''(2) the plan or issuer shall apply any cost-sharing responsibilities under such plan or coverage, with respect to such selected drug, by substituting an amount not more than the maximum fair price negotiated under such part E of title XI for such drug in lieu of the drug price upon which the cost-sharing would have otherwise applied, and such cost-sharing responsibilities with respect to such selected drug may not exceed such maximum fair price; and

''(3) the Secretary shall apply the provisions of such part E to such plan, issuer, and coverage, and such individuals so enrolled in such plans.

''(b) NOTIFICATION REGARDING NONPARTICIPATION IN FAIR PRICE NEGOTIATION PROGRAM.—A group health plan or a health insurance issuer offering group health insurance coverage shall publicly disclose in a manner and in accordance with a process specified by the Secretary any election made under section 1197 of the Social Security Act by the plan or issuer to not participate in the Fair Price Negotiation Program under part E of title XI of such Act with respect to a selected drug (as defined in section 1192(c) of such Act) for which coverage is provided under such plan or coverage before the beginning of the plan year for which such election was made.''.

(ii) APPLICATION TO RETIREE AND CERTAIN SMALL GROUP HEALTH PLANS.—Section 732(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191a(a)) is amended by striking ''section 711'' and inserting ''sections 711 and 716''.

(iii) CLERICAL AMENDMENT.—The table of sections for subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following:

''Sec. 716. Fair Price Negotiation Program and application of maximum fair prices.''.

(C) IRC.—

(i) IN GENERAL.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

"SEC. 9816. FAIR PRICE NEGOTIATION PROGRAM AND APPLICATION OF MAXIMUM FAIR PRICES.

''(a) IN GENERAL.—In the case of a group health plan that is treated under section 1197 of the Social Security Act as having in effect an agreement with the Secretary under the Fair Price Negotiation Program under part E of title XI of such Act, with respect to a price applicability period (as defined in section 1191(b) of such Act) and a selected drug (as defined in section 1192(c) of such Act) with respect to such period with respect to which coverage is provided under such plan—

''(1) the provisions of such part shall apply, as applicable—

''(A) if coverage of such selected drug is provided under such plan if the drug is furnished or dispensed at a pharmacy or by a mail order service, to the plan, and to the individuals enrolled under such plan during such period, with respect to such selected drug, in the same manner as such provisions apply to prescription drug plans and MA–PD plans, and to individuals enrolled under such prescription drug plans and MA–PD plans during such period; and

''(B) if coverage of such selected drug is provided under such plan if the drug is furnished or administered by a hospital, physician, or other provider of services or supplier, to the plan, to the individuals enrolled under such plan, and to hospitals, physicians, and other providers of services and suppliers during such period, with respect to such drug in the same manner as such provisions apply to the Secretary, to individuals entitled to benefits under part A of title XVIII or enrolled under part B of such title, and to hospitals, physicians, and other providers and suppliers participating under title XVIII during such period;

''(2) the plan shall apply any cost-sharing responsibilities under such plan, with respect to such selected drug, by substituting an amount not more than the maximum fair price negotiated under such part E of title XI for such drug in lieu of the drug price upon which the cost-sharing would have otherwise applied, and such cost-sharing responsibilities with respect to such selected drug may not exceed such maximum fair price; and

''(3) the Secretary shall apply the provisions of such part E to such plan and such individuals so enrolled in such plan.

''(b) NOTIFICATION REGARDING NONPARTICIPATION IN FAIR PRICE NEGOTIATION PROGRAM.—A group health plan shall publicly disclose in a manner and in accordance with a process specified by the Secretary any election made under section 1197 of the Social Security Act by the plan to not participate in the Fair Price Negotiation Program under part E of title XI of such Act with respect to a selected drug (as defined in section 1192(c) of such Act) for which coverage is provided under such plan before the beginning of the plan year for which such election was made.''.

(ii) APPLICATION TO RETIREE AND CERTAIN SMALL GROUP HEALTH PLANS.—Section 9831(a)(2) of the Internal Revenue Code of 1986 is amended by inserting ''other than with respect to section 9816,'' before ''any group health plan''.

(iii) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 100 of such Code is amended by adding at the end the following new item:

''Sec. 9816. Fair Price Negotiation Program and application of maximum fair prices.''.

(3) FAIR PRICE NEGOTIATION PROGRAM PRICES INCLUDED IN BEST PRICE AND AMP.—Section 1927 of the Social Security Act (42 U.S.C. 1396r–8) is amended—

(A) in subsection (c)(1)(C)(ii)—

(i) in subclause (III), by striking at the end ''; and'';

(ii) in subclause (IV), by striking at the end the period and inserting ''; and''; and

(iii) by adding at the end the following new subclause:

''(V) in the case of a rebate period and a covered outpatient drug that is a selected drug (as defined in section 1192(c)) during such rebate period, shall be inclusive of the price for such drug made available from the manufacturer during the rebate period by reason of application of part E of title XI to any wholesaler, retailer, provider, health maintenance organization, nonprofit entity, or governmental entity within the United States.''; and

(B) in subsection (k)(1)(B), by adding at the end the following new clause:

''(iii) CLARIFICATION.—Notwithstanding clause (i), in the case of a rebate period and a covered outpatient drug that is a selected drug (as defined in section 1192(c)) during such rebate period, any reduction in price paid during the rebate period to the manufacturer for the drug by a wholesaler or retail community pharmacy described in subparagraph (A) by reason of application of part E of title XI shall be included in the average manufacturer price for the covered outpatient drug.''.

(4) FEHBP.—Section 8902 of title 5, United States Code, is amended by adding at the end the following:

''(p) A contract may not be made or a plan approved under this chapter with any carrier that has affirmatively elected, pursuant to section 1197 of the Social Security Act, not to participate in the Fair Price Negotiation Program established under section 1191 of such Act for any selected drug (as that term is defined in section 1192(c) of such Act).''.

(5) OPTION OF SECRETARY OF VETERANS AFFAIRS TO PURCHASE COVERED DRUGS AT MAXIMUM FAIR PRICES.—Section 8126 of title 38, United States Code, is amended—

(A) in subsection (a)(2), by inserting '', subject to subsection (j),'' after ''may not exceed'';

(B) in subsection (d), in the matter preceding paragraph (1), by inserting '', subject to subsection (j)'' after ''for the procurement of the drug''; and

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

''(j)(1) In the case of a covered drug that is a selected drug, for any year during the price applicability period for such drug, if the Secretary determines that the maximum fair price of such drug for such year is less than the price for such drug otherwise in effect pursuant to this section (including after application of any reduction under subsection (a)(2) and any discount under subsection (c)), at the option of the Secretary, in lieu of the maximum price (determined after application of the reduction under subsection (a)(2) and any discount under subsection (c), as applicable) that would be permitted to be charged during such year for such drug pursuant to this section without application of this subsection, the maximum price permitted to be charged during such year for such drug pursuant to this section shall be such maximum fair price for such drug and year.

''(2) For purposes of this subsection:

''(A) The term 'maximum fair price' means, with respect to a selected drug and year during the price applicability period for such drug, the maximum fair price (as defined in section 1191(c)(2) of the Social Security Act) for such drug and year.

''(B) The term 'negotiation eligible drug' has the meaning given such term in section 1192(d)(1) of the Social Security Act.

''(C) The term 'price applicability period' has, with respect to a selected drug, the meaning given such term in section 1191(b)(2) of such Act.

''(D) The term 'selected drug' means, with respect to a year, a drug that is a selected drug under section 1192(c) of such Act for such year.''.

SEC. 302. DRUG MANUFACTURER EXCISE TAX FOR NONCOMPLIANCE.

(a) IN GENERAL.—Subchapter E of chapter 32 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 4192. SELECTED DRUGS DURING NONCOMPLIANCE PERIODS.

''(a) IN GENERAL.—There is hereby imposed on the sale by the manufacturer, producer, or importer of any selected drug during a day described in subsection (b) a tax in an amount such that the applicable percentage is equal to the ratio of—

''(1) such tax, divided by

''(2) the sum of such tax and the price for which so sold.

''(b) NONCOMPLIANCE PERIODS.—A day is described in this subsection with respect to a selected drug if it is a day during one of the following periods:

''(1) The period beginning on the June 16th immediately following the selected drug publication date and ending on the first date during which the manufacturer of the drug has in place an agreement described in subsection (a) of section 1193 of the Social Security Act with respect to such drug.

''(2) The period beginning on the April 1st immediately following the June 16th described in paragraph (1) and ending on the first date during which the manufacturer of the drug has agreed to a maximum fair price under such agreement.

''(3) In the case of a selected drug with respect to which the Secretary of Health and Human Services has specified a renegotiation period under such agreement, the period beginning on the first date after the last date of such renegotiation period and ending on the first date during which the manufacturer of the drug has agreed to a renegotiated maximum fair price under such agreement.

''(4) With respect to information that is required to be submitted to the Secretary of Health and Human Services under such agreement, the period beginning on the date on which such Secretary certifies that such information is overdue and ending on the date that such information is so submitted.

''(5) In the case of a selected drug with respect to which a payment is due under subsection (c) of such section 1193, the period beginning on the date on which the Secretary of Health and Human Services certifies that such payment is overdue and ending on the date that such payment is made in full.

''(c) APPLICABLE PERCENTAGE.—For purposes of this section, the term 'applicable percentage' means—

''(1) in the case of sales of a selected drug during the first 90 days described in subsection (b) with respect to such drug, 65 percent,

''(2) in the case of sales of such drug during the 91st day through the 180th day described in subsection (b) with respect to such drug, 75 percent,

''(3) in the case of sales of such drug during the 181st day through the 270th day described in subsection (b) with respect to such drug, 85 percent, and

''(4) in the case of sales of such drug during any subsequent day, 95 percent.

''(d) SELECTED DRUG.—For purposes of this section—

''(1) IN GENERAL.—The term 'selected drug' means any selected drug (within the meaning of section 1192 of the Social Security Act) which is manufactured or produced in the United States or entered into the United States for consumption, use, or warehousing.

''(2) UNITED STATES.—The term 'United States' has the meaning given such term by section 4612(a)(4).

''(3) COORDINATION WITH RULES FOR POSSESSIONS OF THE UNITED STATES.—Rules similar to the rules of paragraphs (2) and (4) of section 4132(c) shall apply for purposes of this section.

''(e) OTHER DEFINITIONS.—For purposes of this section, the terms 'selected drug publication date' and 'maximum fair price' have the meaning given such terms in section 1191 of the Social Security Act.

''(f) ANTI-ABUSE RULE.—In the case of a sale which was timed for the purpose of avoiding the tax imposed by this section, the Secretary may treat such sale as occurring during a day described in subsection (b).''.

(b) NO DEDUCTION FOR EXCISE TAX PAYMENTS.—Section 275 of the Internal Revenue Code of 1986 is amended by adding ''or by section 4192'' before the period at the end of subsection (a)(6).

(c) CONFORMING AMENDMENTS.—

(1) Section 4221(a) of the Internal Revenue Code of 1986 is amended by inserting ''or 4192'' after ''section 4191''.

(2) Section 6416(b)(2) of such Code is amended by inserting ''or 4192'' after ''section 4191''.

(d) CLERICAL AMENDMENTS.—

(1) The heading of subchapter E of chapter 32 of the Internal Revenue Code of 1986 is amended by striking ''**Medical Devices**'' and inserting ''**Other Medical Products**''.

(2) The table of subchapters for chapter 32 of such Code is amended by striking the item relating to subchapter E and inserting the following new item:

''SUBCHAPTER E. OTHER MEDICAL PRODUCTS''.

(3) The table of sections for subchapter E of chapter 32 of such Code is amended by adding at the end the following new item:

''Sec. 4192. Selected drugs during noncompliance periods.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to sales after the date of the enactment of this Act.

SEC. 303. FAIR PRICE NEGOTIATION IMPLEMENTATION FUND.

(a) IN GENERAL.—There is hereby established a Fair Price Negotiation Implementation Fund (referred to in this section as the ''Fund''). The Secretary of Health and Human Services may obligate and expend amounts in the Fund to carry out this title (and the amendments made by such title).

(b) FUNDING.—There is authorized to be appropriated, and there is hereby appropriated, out of any monies in the Treasury not otherwise appropriated, to the Fund $3,000,000,000, to remain available until expended, of which—

(1) $600,000,000 shall become available on the date of the enactment of this Act;

(2) $600,000,000 shall become available on October 1, 2020;

(3) $600,000,000 shall become available on October 1, 2021;

(4) $600,000,000 shall become available on October 1, 2022; and

(5) $600,000,000 shall become available on October 1, 2023.

(c) SUPPLEMENT NOT SUPPLANT.—Any amounts appropriated pursuant to this section shall be in addition to any other amounts otherwise appropriated pursuant to any other provision of law.

TITLE IV—PUBLIC HEALTH INVESTMENTS

SEC. 401. SUPPORTING INCREASED INNOVATION.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall continue to support and to expand, as applicable, biomedical research carried out through the National Institutes of Health innovation projects described in section 1001(b)(4) of the 21st Century Cures Act (Public Law 114–255). The Secretary shall ensure that any such research (and related activities) is conducted in compliance with section 492B of the Public Health Service Act (42 U.S.C. 289a–2) (relating to the inclusion of women and members of minority groups in research).

(b) AUTHORIZATION OF APPROPRIATIONS.—To carry out this subsection, in addition to funds made available under paragraph (2) of section 1001(b) of the 21st Century Cures Act (Public Law 114–255), there is authorized to be appropriated, and there is appropriated to the NIH Innovation Account established under such section 1001(b), out of any moneys in the Treasury not otherwise obligated, $2,000,000,000 for fiscal year 2021, to remain available until expended.

The SPEAKER pro tempore. The bill, as amended, shall be debatable for 3 hours equally divided among and controlled by the respective chairs and ranking minority members of the Committee on Education and Labor, the Committee on Energy and Commerce, and the Committee on Ways and Means.

The gentleman from Virginia (Mr. SCOTT), the gentlewoman from North Carolina (Ms. FOXX), the gentleman from New Jersey (Mr. PALLONE), the gentleman from Oregon (Mr. WALDEN), the gentleman from Massachusetts (Mr. NEAL), and the gentleman from Texas (Mr. BRADY) each will control 30 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. PALLONE).

GENERAL LEAVE

Mr. PALLONE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and add extraneous material on H.R. 1425, the Patient Protection and Affordable Care Enhancement Act.

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

There was no objection.

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

Madam Speaker, as Americans continue to face the COVID–19 pandemic and a severe economic downturn, they are justifiably concerned about their health and their financial future.

Today, we are here to provide more relief to the American people, and I rise in strong support of H.R. 1425, the Patient Protection and Affordable Care Enhancement Act, legislation that will make healthcare and prescription drugs more affordable and will expand access to health coverage.

Madam Speaker, this legislation strengthens the Affordable Care Act for the future, which is critical at a time when the Trump administration and Republicans continue to support a lawsuit before the Supreme Court that would strike down the entire ACA.

These actions could result in 23 million Americans losing their health coverage and the elimination of critical consumer protections for more than 130 million people with preexisting conditions during the middle of a pandemic. Sadly, this is nothing new.

Madam Speaker, over the last 4 years, much of the ACA's progress has been halted and, in some cases, reversed by the Trump administration's sabotage campaign.

Thanks to the ACA, the uninsured rate fell to a historic low. However, the Trump administration's actions have driven up the uninsured rate. Today, millions more Americans are uninsured and afraid they will not be able to afford the cost of care if they become sick.

□ 1015

The Patient Protection and Affordable Care Enhancement Act will reverse these trends. This legislation is a commonsense, fiscally responsible one-two punch that uses the Federal Government's savings from lowering prescription drug costs to lower health insurance costs for Americans.

The bill does this by empowering the Secretary of Health and Human Services to negotiate a fair price for prescription drugs. This legislation stops the gouging at the pharmacy counter and ensures that Americans no longer pay 4 or 5 or 10 times the amount people in other countries pay for the exact same drug. This negotiation not only levels the playing field, but it also saves hundreds of billions of dollars.

H.R. 1425 will then reinvest these savings to lower healthcare costs for consumers and to expand access to affordable care. More middle-class Americans would receive financial assistance with monthly premiums. A family of four, for example, with an annual income of $60,000 would save $2,000 annually, and a family of four with an annual income of $100,000, who previously did not qualify for subsidies, would save $8,000 every year.

Now, this is in addition to the savings that they also had under the underlying ACA. This is, under this bill, in addition to what they normally saved—and that is real savings to hard-working families.

This legislation also lowers Americans' healthcare costs by reversing some of the worst sabotage from the Trump administration. It reverses the administration's expansion of junk insurance plans that leave patients saddled with thousands of dollars in medical debt. It restores critical outreach in enrollment funding that was gutted by the Trump administration, and it reduces racial and ethnic healthcare disparities.

H.R. 1425 also builds on the ACA's Medicaid expansion and further strengthens this important program and provides for additional incentives to States that stubbornly refuse to expand their programs. And for political reasons, many of the red States have done that; they just refuse to expand Medicaid. But these holdout States, if they expand Medicaid, 4.8 million people would gain Medicaid coverage overnight, including 2.3 million uninsured Americans.

This bill also takes an important step to address the country's maternal mortality crisis by extending Medicaid postpartum coverage from 60 days to 1 year. Simply put, this policy will save lives.

Madam Speaker, the Patient Protection and Affordable Care Enhancement Act lowers healthcare and prescription drug costs, expands coverage for millions of Americans, and reverses the Trump administration's years-long effort to undermine Americans' access to quality and affordable healthcare.

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

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

Madam Speaker, our constituents are looking for us to put aside partisan politics. They want us not to play political games, and they want us to find common ground to address the unprecedented deadly challenges caused by COVID–19.

We need to work together to lower prescription drug prices. We need to work together to aid States in stabilizing health markets damaged by the ACA. We need to work together to lower out-of-pocket costs for patients, including capping seniors' drug costs under Medicare, encourage participation of private health insurance, and we really need to fund our community health centers. We need to increase the options available through the market and end surprise medical billing. We could do all of that. We could do it together, and it could become law.

Unfortunately, instead, here we are wasting time on a partisan bill that has zero chance of becoming law. This is no way to govern at any time, but especially in a pandemic.

At a time when we are asking our Nation's innovators to find new cures and treatments to address COVID–19 at record speed and with record investment, Democrats want to enact a socialist drug pricing scheme that could devastate this country's innovation in the middle of a global pandemic. Frankly, it is unconscionable.

This legislation before us today provides $100 billion in bailouts for insurance companies at a time when insurers are not paying for elective procedures due to COVID. Now, we all want to make premiums more affordable, but all signs are insurers do not need a bailout right now.

Wouldn't that money be better spent, Madam Speaker, on funding our Nation's community health centers, giving them certainty, rather than letting their funding run out in just a matter of months? They are on the front lines of this fight in our communities. They are on the front lines of the fight on testing and treating patients in rural and underserved communities. Shouldn't we fund them, give them stability and certainty?

And speaking of monies poorly spent, today Democrats are proposing we spend $400 million to prop up ObamaCare's enrollment. This includes $100 million for the failed and discredited Navigator Program; $100 million for outreach and marketing, only for ACA-compliant plans, not any of the more affordable alternatives; and $200 million for States to boost enrollment, with no strings attached—no transparency, no accountability.

This law has been on the books for 10 years, and we must spend nearly half a billion dollars to make it look like it is working?

In this bill, Democrats want to force States to expand Medicaid, allowing expansion States to get 100 percent of

Federal Medicaid payments, while punishing, in the middle of a pandemic, taking money away from, nonexpansion States, taking it away from their Medicaid. That is what this bill does. If they don't expand, the Federal Government's heavy hand comes in and takes money back out of Medicaid. It is vindictive, and it is probably unconstitutional.

You know, the Supreme Court, Madam Speaker, said expansion is the States' decision. This legislation violates that. We need to work together with the States as partners, not treat them like subordinates.

Now, in the last Congress, I advocated for multiple policies that would help States stabilize health markets damaged by the ACA. But, unfortunately, House Democrats repeatedly blocked our ideas.

We all want patients to have access to high-quality and affordable health coverage, but this measure doubles down on policies that have already failed.

One thing is clear: We need to make our healthcare system work better for all Americans. That is why our goal should be to advance solutions to protect patients, to stabilize healthcare markets, to encourage greater flexibility for States, and to promote policies to help Americans get and keep coverage.

Madam Speaker, I have great respect for the chairman. We have worked together on a number of different issues in the Congress with great success at the Energy and Commerce Committee. Unfortunately, our bipartisan work to lower drug prices was derailed by the Speaker in December when she decided to force politics over real progress.

I recently read an article about a man suffering from ALS who has dedicated his life to finding a cure. And like Americans with ALS, there are millions of Americans suffering from other life-threatening or debilitating diseases, like cancer or sickle cell anemia. They are hoping, and their families are hoping, that one day there will be a cure.

Now, it is not debatable the bill before us today will reduce the number of new treatments in the future, new medicines, new lifesaving medicines, perhaps. The Council of Economic Advisers found there could be more than 100 fewer treatments, fewer medicines, that would never be invented, never be discovered, if this legislation we are going to vote on becomes law—100 fewer.

We can lower drug prices while preserving the hope those praying for a cure have. There is common ground to be had here, and I have offered many times to work on bipartisan legislation to lower drug costs without limiting—perhaps, even ending—innovation.

H.R. 19 is a bill comprised entirely of bipartisan policies. That is our Republican alternative. But it is not just a Republican alternative. Everything in there is bipartisan. And already, seven of the provisions we put in months ago have been signed into law, proving that it is, indeed, a bipartisan package.

Instead of pursuing proven bipartisan solutions, unfortunately, Democrats again are forcing partisan politics on this House and this country, fewer options for patients at a time when we need more treatments and more cures than most.

This bill is a perfect illustration why Americans are so cynical about Washington. The American people deserve better.

Madam Speaker, I urge a ''no'' vote, and I reserve the balance of my time.

Mr. PALLONE. Madam Speaker, I yield 2 minutes to the gentlewoman from California (Ms. ESHOO), a longtime champion of the ACA.

Ms. ESHOO. Madam Speaker, I rise in support of H.R. 1425, the Patient Protection and Affordable Care Enhancement Act.

Today, we deliver on our promise to the American people to undo the Trump administration's total sabotage of the Affordable Care Act and make healthcare affordable for every American.

Since the ACA was signed into law, 23 million Americans have been insured, every person with a preexisting condition was protected, and children could stay on their parents' health insurance policy until they turned 26.

Now, in the middle of a pandemic and a recession, the Trump administration and congressional Republicans are supporting a lawsuit before the Supreme Court—imagine this—to strike down the entirety of the ACA. I think that there is one word for this: cruel.

H.R. 1425 does the opposite. It strengthens the ACA and makes healthcare affordable by lowering premiums and reducing drug prices.

The bill ensures that no American will pay more than 8.5 percent of their income for insurance premiums, benefiting approximately 20 million Americans.

The bill allows Medicare to directly negotiate the price of the costliest drugs, and the lower prices will be available to every American, including those who receive their health insurance through their employer.

H.R. 1425 extends coverage to nearly 5 million Americans by pushing the holdout States to finally expand Medicaid. This would be such a blessing to people in those States whose Governors denied them health insurance coverage.

It also mandates 12 months of Medicaid coverage for eligible postpartum mothers.

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

Mr. PALLONE. Madam Speaker, I yield an additional 1 minute to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Madam Speaker, it mandates 12 months of Medicaid coverage for eligible postpartum mothers and ensures that, once a person is enrolled in Medicaid, regardless of their income changes, they will be covered for a full year.

The bill ends the Trump administration's expansion of junk insurance plans, which exclude coverage of routine care—imagine that; what kind of policy doesn't cover routine care?—and has left patients on the hook for thousands of dollars in medical bills, and it reinstates critical funding for outreach, marketing, and enrollment so more Americans can easily sign up for insurance.

I am very proud that many parts of this bill originated in the Health Subcommittee, which I chair, where my first hearings as chair examined how to strengthen the ACA.

This is good for the American people, especially during this crisis of a pandemic and a recession.

Mr. WALDEN. Madam Speaker, I yield 3 minutes to the gentleman from Texas (Mr. BURGESS), the ranking member and former chairman of the Health Subcommittee on the Energy and Commerce Committee.

Mr. BURGESS. Madam Speaker, the Affordable Care Act, for the last 10 years, really has been anything but affordable. Prices have gone up every year in spite of what we were promised. It has only been the last 2 years that premiums have actually begun to reduce, and that is because of some of the policies enacted by the current administration expanding the usability of limited duration plans, expanding association health plans.

So when we talk about this bill to expand the Affordable Care Act, what we are really doing is increasing the unaffordability of healthcare in this country.

Now, H.R. 1425 establishes a new reinsurance program, and it is going to cost $10 billion per year forever. There is no end date.

This reinsurance program does not include some of the longstanding protections that ensure that Federal funding cannot be used to pay for abortions.

If we want to pass a bipartisan reinsurance policy, Energy and Commerce Republicans have a bill, H.R. 1510, which includes reinsurance coupled with structural reform of the Affordable Care Act and gives States more choice on how to repair their markets that have been damaged by the Affordable Care Act, and it is offset by stopping bad actors from gaming the system. Importantly, it does include the Hyde protections and, therefore, protects life.

H.R. 1425 also punishes States that choose not to expand Medicaid by cutting their Federal share of Medicaid funding.

So let's be very clear about this. A State such as mine that did not expand Medicaid reevaluates year by year, but if they choose not to expand, if they say they can't afford what this expansion would bring to the State, now this bill proposes to reduce the funding, the

Federal match, for the traditional Medicaid populations. And who are they? Blind, aged, disabled, medically fragile, children, women.

□ 1030

Why would we want to do that? Now, look, remember the reason that we have some States expanding Medicaid and some not is because of a Supreme Court case, National Federation of Independent Business v. Sebelius, which ruled that threatening States' Medicaid funding for not expanding is unconstitutional. Sections 204 and 205 of this bill would violate those very same principles and coerce States rather than incentivize them to expand Medicaid. This will be struck down by the Supreme Court as well.

Lastly, this bill uses offsets that would actively harm our Nation's coronavirus response by using offsets from H.R. 3 that would require the government to set prices and confiscate dollars from pharmacologic developers. The Congressional Budget Office analysis found that such policies would lead to substantially fewer new drugs coming to market. We really can't afford a world without the next remdesivir.

Mr. WALDEN. Madam Speaker, I would just point out that as we sit here today, Oklahoma, under a Republican Governor, has chosen to expand Medicaid coverage. That is how it should work, not a penalizing system.

Madam Speaker, I reserve the balance of my time.

Mr. PALLONE. Madam Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. SCHRADER), a member of the Energy and Commerce Committee.

Mr. SCHRADER. Madam Speaker, I rise today to speak in favor of H.R. 1425, the Patient Protection and Affordable Care Enhancement Act.

The bill before us today has a variety of provisions that I have been a longtime supporter of, and now, given the current healthcare crisis with COVID–19, many of these provisions are more important than ever before. Negotiating drug prices to save people money, we do it in all aspects of our life, we need to do it here.

I am also proud to colead an effort with Representative HARDER, included in today's bill, to ensure that folks who are losing their employer-sponsored healthcare coverage are aware that options to maintain that healthcare include both COBRA and the marketplace. It also maintains State flexibility and has a mechanism to ensure resources get to the individuals that need the help the most.

My home State of Oregon has a State innovation waiver reinsurance program under Section 1332 of the ACA, and within the first year it already started saving money for families by preventing a 10 to 15 percent premium increase.

These reinsurance provisions in H.R. 1425, widely bipartisan, will bolster and augment efforts States like mine who are already doing it, and provide other States additional opportunity to afford this type of program.

While the impact of the marketplace may not be seen immediately, we know that the uncertainty around COVID–19 will likely drive rates up and may consolidate the options available in the marketplace that we have worked so hard to build robust, quality options for coverage.

Since the ACA went into effect, we have seen positive trends in coverage and utilization. We must continue to build on the parts we know that are working, and in no small part, it is the Medicaid expansion that is helping so many. All of our States are facing budget crises right now, and more folks are shifting over to Medicaid as they lose their jobs. While providing healthcare is an investment upfront, it pays dividends on the back end by driving preventative care and reducing costly treatments.

Madam Speaker, I encourage my colleagues on both sides of the aisle to consider supporting the comprehensive bill before us today.

Mr. WALDEN. Madam Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. BUCSHON), a member of the Energy and Commerce Committee.

Mr. BUCSHON. Madam Speaker, first of all, I want to echo all the points made by Mr. WALDEN in his opening statement.

A decade ago, ObamaCare became the law of the land. This massive, near government takeover of our Nation's healthcare system came full of empty promises.

President Obama and Congressional Democrats famously promised Americans that if you liked your doctor, you can keep your doctor. That turned out not to be true. Millions of Americans lost access to their doctors as insurances have resorted to narrowing networks.

And instead of seeing premiums decrease by $2,500, as President Obama promised, American families have seen premiums and deductibles skyrocket. Americans deserve an accessible and affordable healthcare system that promotes quality care and peace of mind, not a system that is a downpayment on socialized, one-size-fits-all single-payer healthcare system that would put the government in charge of one of the most personal decisions families will ever make.

Rather than working to find bipartisan solutions for patients, Democrats are choosing to double-down on ObamaCare's biggest flaws. I will focus on drug pricing.

They are planning to give Washington the power to set drug prices. Well, we know that nonpartisan analysis has determined that this would result in fewer medicines being developed and fewer cures.

As a physician, I have had to share bad news with families. I know all too well that by eliminating just one new drug, how devastating that would be. What if that new drug was a cure for Alzheimer's, sickle cell anemia, cancer, ALS, or maybe even a vaccine for COVID–19?

If Democrats want to get serious about addressing our Nation's healthcare problems and lowering prescription drug prices, a good place to start would be H.R. 19, bipartisan legislation that would lower out-of-pocket spending, protect access to new and innovative cures, and increase transparency.

We can turn America's healthcare system around with common sense, patient-centered solutions. Sadly, H.R. 1425 puts the Federal Government at the center, not the patient.

Madam Speaker, I urge my colleagues to vote ''no.''

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

Mr. PALLONE. Madam Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. KENNEDY), a member of the Energy and Commerce Committee.

Mr. KENNEDY. Madam Speaker, yesterday afternoon I spent a few moments on the porch of a woman named Therese in Lowell, Massachusetts. Through an oxygen tube and a mask, and surrounded by four generations of her family, she told me the challenges of living with COPD, even though she never smoked a cigarette.

Her mother and her brother both passed away in that home. She was adamant that she would, too. She was hoping to make it for just a few more months, but that survival, Madam Speaker, was contingent on having access to healthcare. Access that our President, in court just this last week, was still trying to take away.

Madam Speaker, how is our country made stronger by taking away Therese's healthcare? What kind of person, let alone administration, looks to the wreckage of nearly over 120,000 lives lost, 2½ million infected by a pandemic, and decides that the best response is to take away healthcare from millions more?

What is great about an administration that idly watches 40 million Americans lose their jobs, and then tries to take away their healthcare, too? How morally bankrupt that we can lavish praise on essential workers, and then thank them by trying to strip away their access to medicine? All so that the rich can become richer, the powerful more powerful, backed up by a massive tax cut and aggregation of corporate power.

Madam Speaker, this moment has proved, like many other moments of truth in our Nation, that our fates are linked. That our future is shared and uncertain. We have a choice to advance together or to scramble for our own. Four generations of Therese's family know the answer. We know that answer. Today is our chance to prove it.

Mr. WALDEN. Madam Speaker, one of the greatest tragedies for Therese's family, and that of all other families in

America, is what the Congressional Budget Office tells us this bill will do, and that is, 38 fewer cures. 38. What if one of those was a cure for COPD?

Madam Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. CARTER), our pharmacist on the committee.

Mr. CARTER of Georgia. Madam Speaker, I rise today in opposition to this ObamaCare wish list legislation.

I want to start off by saying, Madam Speaker, how disappointed I am. How disappointed I am that this comes—this partisan healthcare legislation is being moved at such a serious time in our Nation's response to the pandemic.

This bill was developed and written without Republican input, which seems to be the thing to do these days. I was up here last week talking about the policing bill, same thing, no Republican input. Now we are talking about the healthcare bill. No Republican input. Partisan legislation, at a time when our country needs bipartisan solutions.

You know, when a bill is developed and written without Republican input, that is usually a good sign that there is no real intention of moving this legislation; and there is not. The other side, Madam Speaker, knows that this is not going to move.

Unfortunately, Americans are suffering right now, they are suffering from COVID–19. We should be working together, Republicans and Democrats, to create solutions that benefit every American. Unfortunately, this bill has many issues, it is a big government-controlled healthcare agenda.

Once again, Democrats are trying to mandate the price of drugs, or tax manufacturers out of the U.S. market if they don't comply, at a time when we need to be bringing back manufacturing to the United States. Now we are doing just the opposite with this partisan legislation.

My colleagues across the aisle want fewer cures during the pandemic. Fewer cures during the pandemic. Are you kidding me? That is the last thing America needs right now.

This legislation also expands ObamaCare subsidies, allowing some of the wealthiest Americans to get subsidies for insurance paid for by the hard-earned taxpayers' dollars.

This is not the time to be partisan, Madam Speaker, this is a time for us to work together. I hope my colleagues across the aisle can set aside these efforts and work with us to pass meaningful, bipartisan legislation.

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

Mr. PALLONE. Madam Speaker, I yield 2 minutes to the gentlewoman from Michigan (Mrs. DINGELL), another member of the committee.

Mrs. DINGELL. Madam Speaker, I rise in support of the Patient Protection and Affordable Care Enhancement Act.

And, yes, I agree with my colleagues, this is not the time for partisan politics. It has been over 10 years since the passage of the historic Patient Protection and Affordable Care Act, which expanded healthcare to 20 million Americans. And now this administration is at the Supreme Court trying to repeal it, and it has been 4 years since our colleagues, who say they will protect people, have done anything. They have not given us anything else. All they do is take knocks.

Many forget that when that bill passed the reforms ended lifetime limits. People could not get health insurance if they couldn't afford it, if they had pre-existing conditions. It allowed States to expand Medicaid and provide access to both quality, affordable healthcare and protection from crippling medical bills.

In my home State, the bipartisan expansion under Governor Rick Snyder, a Republican Governor, Healthy Michigan, currently covers 650,000 Michiganders, and supports rural hospitals in Michigan that would otherwise face a significant financial hardship. The reforms in today's bill, the Patient Protection and Affordable Care Enhancement Act, build on these successes.

The legislation would reduce healthcare premiums for Americans by expanding existing subsidies under the Affordable Care Act to those that need the help. It would also support outreach and enrollment efforts and roll back the current administration's plans to promote junk insurance plans that lack the coverage of basic benefits.

Finally, it would save Americans billions of dollars annually by allowing the Secretary of Health and Human Services, a Republican right now, to negotiate drug prices. The Congressional Budget Office also estimates that the drugs subject to negotiation would reduce prices by 55 percent.

Madam Speaker, I urge my colleagues to support this bill.

Mr. WALDEN. Madam Speaker, may I inquire as to how much time each side has remaining?

The SPEAKER pro tempore. The gentleman from Oregon has 16½ minutes remaining. The gentleman from New Jersey has 17 minutes remaining.

Mr. WALDEN. Madam Speaker, I yield 4 minutes to the gentleman from Arkansas (Mr. WESTERMAN).

□ 1045

Mr. WESTERMAN. Madam Speaker, I am grateful that we are finally having a discussion on the important issue of healthcare. More than a decade of healthcare conflict has squandered trillions of dollars, driven up our national debt, done relatively little to improve healthcare, and destroyed the public's confidence in either party's ability to fix the system. We can do better, yet we don't.

As an engineer, I learned that the first step to solving a problem is identifying and defining the problem. Our problem is not that we lack creative solutions to the issues that plague the healthcare system. Our problem is not that the electorate doesn't care about healthcare. They do. The need for healthcare is nonpartisan.

There are no Republican, Democrat, or Independent strains of cancer, forms of dementia, types of diabetes, or hospitals that check your political party registration when you arrive at the emergency room.

Our primary problem with fixing healthcare for America is that we have pushed and continue to push partisan solutions for a nonpartisan issue.

Have we in both parties not learned that this will not work? We both paid the price for our failures on healthcare, but the folks who have lost the most are our constituents, the American citizens that sent us here.

Let's be honest, face our past, learn from it, and craft a better healthcare future. The record is clear.

In 2008, the Democratic Party controlled the House, the Senate, and the White House. You passed the Affordable Care Act on straight party lines. If it were the correct solution to America's healthcare problems, we wouldn't be here today with your bill to fix it.

Fast forward to 2017. My Republican Party had majorities in the House, the Senate, and controlled the Presidency. We failed to even get the American Healthcare Act on the President's desk.

Both of these attempts at solving healthcare failed, just like any other partisan attempt to solve healthcare will fail.

The issue is so partisan that both parties had to ultimately resort to the parliamentary gymnastics of budget reconciliation to have a prayer of getting a bill on President Obama's or President Trump's desk.

We know that budget reconciliation creates too many limits to implement the best solutions for healthcare policy. We know that you can pass whatever healthcare legislation you dream up with a simple majority here in the House.

We also know that partisan bill from the House will not get past the 60-vote cloture threshold in the Senate, much less get signed into law by the President of the opposing party.

Must we continue learning our lessons in Congress at the expense of the American citizenry? Let's work on healthcare legislation that can get a veto-proof vote in the House and 60 votes in the Senate, regardless of which party controls each Chamber.

Let's pass a healthcare bill that is too good for a President of either party not to sign into law.

After the Republican failure to pass the American Health Care Act in 2017, I called my staff together and told them, ''Even though we failed to pass a bill and moved on to the next issue, the problems with healthcare did not go away and we are not going to stop working on the issue.''

We decided to reverse engineer legislation with the final goal being something that everyone could agree upon,

a bipartisan bill that covered preexisting conditions, insured more people, lowered cost, and gave Americans a fair shot at healthcare.

After 1½ years of hard work, the result was the Fair Care Act of 2019. After another year of work, scrutiny, and more good ideas, we are close to filing the Fair Care Act of 2020 with both a House and Senate version.

It has more than 50 bipartisan bills from the House and Senate in the language, and a few of the bipartisan bills from the 2019 bill have already been signed into law. We should follow this pattern.

Hopefully, you will be pleased to know that several of the provisions of your Affordable Care Enhancement Act can be found in the Fair Care Act. However, no one reached out to me for input on your bill.

I am reaching across the aisle and asking you to consider working with us in cosponsoring the Fair Care Act or other bills with bipartisan policy.

The American citizenry and I am tired of partisan healthcare in action. Will you please join us to change that?

Mr. PALLONE. Madam Speaker, I yield 2 minutes to the gentlewoman from Illinois (Ms. KELLY), who is a member of the committee and chairs the CBC Brain Trust.

Ms. KELLY of Illinois. Madam Speaker, I rise today in support of H.R. 1425.

Since enactment of the ACA, millions of Americans have gained health coverage, but too many families have been left behind by GOP Governors and legislatures more interested in playing politics than helping families.

Today, we build on that success.

Each year, more than 700 American women die from pregnancy complications, and more than half of these deaths are entirely preventable.

Tragically, Black moms die at three to four times the rate of White moms, but passing this bill will help address that by allowing new moms to remain on Medicaid for the entire postpartum period. And this piece of legislation left the Committee on Energy and Commerce with many Republican votes.

This portion is just one example of the good in this bill and the lives it will save. We cannot allow preventable deaths to continue in this country. We must do more. It was safer for me to have my daughter than it is for my daughter now to have a baby.

I hope my colleagues will join me in supporting this lifesaving legislation.

There is a lot of talk about how we should care about the health of the American citizens, and one thing that we all can do is wear a mask.

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

Mr. PALLONE. Madam Speaker I yield 2 minutes to the gentlewoman from Minnesota (Ms. CRAIG).

Ms. CRAIG. Madam Speaker, I thank the gentleman for yielding.

I ask you: What good is a cure if you can't access it because you can't afford it?

The Patient Protection and Affordable Care Act is immensely personal to me. See, I grew up for a portion of my childhood without health insurance. I also spent more than 20 years working in two healthcare manufacturing companies and was responsible for providing healthcare to 18,000 Americans at a U.S. company.

These experiences and the stories I have heard across my district are why I am here today working to reduce out-of-pocket costs and the price of prescription drugs.

Today, Les and his family, they farm in my district. They pay over $20,000 a year in premiums with a $12,000 deductible.

Another family farms by flashlight and works another job during the day, just for the family health insurance.

These examples show the heart of the problem: If healthcare isn't affordable, it is not accessible.

I am proud that the base of this bill is my bipartisan bill, H.R. 1425, the State Health Care Premium Reduction Act, the first healthcare legislation that I authored as a Member of Congress. This bill will allow States to lower the cost of premiums in the individual marketplace and to expand access to healthcare to more Americans. I am also pleased that this package includes the transformational drug price negotiation mechanism from the Elijah E. Cummings Lower Drug Costs Now Act, which finally takes on the high cost of prescription drugs.

For the 51 percent of nonelderly with preexisting conditions in my congressional district, the ACA was a lifeline. This is a moment that requires us to come together as Americans to strengthen the ACA and reduce the cost and increase the access to healthcare.

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

Mr. PALLONE. Madam Speaker, I neglected to mention that Ms. CRAIG is actually the prime sponsor of this legislation.

I yield 2 minutes to the gentleman from California (Mr. RUIZ), who is a member of the Energy and Commerce Committee and has long worked on the ACA enhancement.

Mr. RUIZ. Madam Speaker, I rise in support of H.R. 1425, the Patient Protection and Affordable Care Enhancement Act.

We are in the middle of a global pandemic that has infected millions of Americans, left millions more unemployed and struggling to pay their bills, and underscored the American people's need for quality, affordable healthcare.

It is precisely during this time; it is precisely in our moment of history, during American families' hardships and agony; it is precisely now that we must act for the people and fight to make healthcare more affordable and accessible.

As an emergency physician, I have seen the faces of failed healthcare policies, the anguish from severe illness and death that could have been prevented if only the patient had routine care and health insurance.

That is why today, for the patients who need to see a doctor and get treatment, for the recently laid-off workers who just lost their health insurance, for the families struggling economically, I ask you to join me in voting for H.R. 1425, the Patient Protection and Affordable Care Enhancement Act.

This bill would lower healthcare premiums for middle-class families; encourage States to expand Medicaid; lower the cost of prescription drugs; and strengthen protections for preexisting conditions, the same ones that render a person more likely to die from COVID–19.

The American people need our help in this moment, and they need this bill.

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

Mr. PALLONE. Madam Speaker, I yield 2 minutes to the gentlewoman from Illinois (Mrs. BUSTOS).

Mrs. BUSTOS. Madam Speaker, I thank the gentleman for yielding.

I rise today to support the Patient Protection and Affordable Care Enhancement Act.

So many in our Nation are facing extreme financial insecurity and extreme worry surrounding this global pandemic. And the Trump administration is trying to eliminate protections for people and families with preexisting conditions and leave millions of Americans without care. This includes more than 730,000 Illinoisans.

A man from the congressional district I serve named Robert wrote to me about his family's rising healthcare costs. Robert and his wife have both worked hard almost their entire lives. Robert's first job went back to the age of 17. His wife started working when she was 16.

Today, they are in their early sixties and they are facing skyrocketing premiums and astronomical deductibles. Robert currently pays more than $2,500 each and every month for just his premiums. That, along with his deductibles, cost his family about a quarter of all they earn every month. He has even been told that because of his age and his wife's age they are lucky to get coverage at all.

Working your whole life and having to struggle so much just to afford a necessity like healthcare, that is not what the American Dream is all about.

Robert said to me, ''I am hoping more than lip service will happen in Washington, D.C.'' For Robert and his wife and so many other Americans, we must pass this bill to lower the cost of healthcare and the cost of prescription drugs, and also to protect people with preexisting conditions.

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

Mr. PALLONE. Madam Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. MALINOWSKI).

Mr. MALINOWSKI. Madam Speaker, 40 million Americans have lost their

jobs in the biggest global pandemic in modern history. Not long ago, most of them would have lost their health insurance, too. I bet that in the last 3 months every single one of us, Republican and Democrat, in private or public moments with our constituents has reassured them that at least the Affordable Care Act is there for you, you do not have to lose your health insurance in the middle of this crisis.

So how can it be that at this very moment when the value of the ACA is so plainly obvious to tens of millions of Americans, the administration is in court trying to strike it down? The President has told us repeatedly he wants to protect people with preexisting conditions, but right there in his brief to the Supreme Court, it explicitly says that should be struck down, too.

And when we ask him, What will you do to replace the ACA if it is struck down? He says, I won't tell you until after the election. Come on.

Now, today we are going to pass the Patient Protection Act, which means, unlike the President, we are willing to tell the American people, now, exactly how we plan to improve healthcare in America.

We believe that the ACA should be improved, not taken away. The Congressional Budget Office says that this plan for doing so will lower premiums Americans pay by 10 percent.

We want what President Trump said he wanted in the 2016 election, to let Medicare negotiate the price of prescription drugs which will save Americans money and save the government over $500 billion.

And we want to eliminate the junk insurance plans that the administration wants all those folks who are losing their jobs to take, even though they don't cover essential services like prescription drugs and maternity care.

I hope everyone will vote for this bill. If there are Members who disagree, so be it. I would just ask, Madam Speaker, that they please be honest. Don't say you want to protect people with preexisting conditions if you won't vote to do so or put forward a plan to do so. Don't advise your constituents to take advantage of the ACA if you are not going to do anything while the President tries to strike it down.

□ 1100

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

Mr. PALLONE. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. COX).

Mr. COX of California. Madam Speaker, I am honored to be here today to speak about the Patient Protection and Affordable Care Enhancement Act.

As the COVID–19 pandemic and the related recession causes massive suffering across the country, we have a duty to act. Government has a duty to act so as to minimize human suffering, not to exacerbate it.

We must strengthen and enhance the Affordable Care Act rather than do what the Trump administration wants us to do and rip away health coverage for millions of Americans.

A constituent of mine put it best. He said to me: ''You know, Donald Trump is bad for my health.''

I am sure all of us here came to Congress to make a positive difference in the lives of our constituents.

In my district, there are 325,000 people enrolled in Medicare, Medicaid, and CHIP. Almost 27,000 individuals, hardworking individuals, got their health insurance through the ACA, through ObamaCare. But what this administration and congressional Republicans want to do and what they are telling me is that these citizens and 23 million other Americans don't deserve healthcare.

My Democratic colleagues and I feel differently. We are standing up to the Trump administration's attempts to kill the Affordable Care Act. We are not going to let this happen, not today, not on our watch.

That is why I am glad the House Democrats have reintroduced this legislative package that will make healthcare and prescription drugs more affordable for American families.

This is commonsense legislation that is a win for all Americans.

This bill lowers health insurance premiums and makes prescription drugs more affordable by empowering Medicare to negotiate for lower prices, which is something we all know we should do. It is way past time to stop letting drug companies rip off Americans by allowing them to charge us more than other countries for the same drugs.

This bill also strengthens the critical outreach and enrollment funding that has been gutted by the Trump administration.

This is a personal passion of mine. Last year, I offered an amendment to H.R. 987 that would ensure that communities with high unemployment were prioritized in outreach, education, and enrollment assistance to Americans shopping for healthcare. And let me tell you, it works. In California, we are enrolling more people, who pay less, because of widespread enrollment.

We all deserve healthcare. That is our right as Americans.

Madam Speaker, I urge my colleagues to support this bill.

Mr. WALDEN. Madam Speaker, may I inquire as to the amount of time remaining and if my friend has any other speakers. We do not, on our side.

The SPEAKER pro tempore. The gentleman from Oregon has 12½ minutes remaining. The gentleman from New Jersey has 6 minutes remaining.

Mr. WALDEN. Madam Speaker, I believe the gentleman has other speakers, so I reserve the balance of my time.

Mr. PALLONE. Madam Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. MUCARSEL-POWELL).

Ms. MUCARSEL-POWELL. Madam Speaker, I stand here today as a Member of Congress because, 3 years ago, I watched as this body took a vote to repeal the Affordable Care Act, which would have ripped healthcare away from tens of thousands of constituents in my district and over 2 million Floridians in my home State.

This was an unconscionable move that would have taken away protections for millions with preexisting conditions, like my constituent Michelle Garcia, who still suffers after a faulty medical device left broken pieces in her that, to this day, cause her chronic pain that requires persistent treatment.

It is because of the ACA that her coverage is protected.

It is because of the ACA that disparities in coverage for Latino communities and African-American communities have narrowed.

It is because of the ACA that insurance plans can't deny or make healthcare more expensive because of someone's gender.

It is because I watched my colleagues across the aisle try to take the ACA away that I ran for Congress and am here fighting to protect their care.

Today's vote is very important to me. While the President continues his efforts to take away much-needed healthcare, especially during a pandemic, we are making quality care more affordable and accessible while removing junk plans. We are lowering health insurance premiums and prescription drug prices. We are also putting in incentives for States like Florida so that they can expand Medicaid and bring care to millions who need it.

It is simple. We shouldn't be taking care away from anyone right now, not ever. We shouldn't be making quality care more expensive.

We need to make it more accessible. We need to make it more affordable.

That is why I am proud to vote ''yes'' on today's legislation, and, Madam Speaker, I urge my colleagues to do the same.

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

Mr. PALLONE. Madam Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Madam Speaker, I thank the chairman of the Energy and Commerce Committee for his dynamic leadership.

Let me indicate that I stand here today in the midst of a catastrophic pandemic of COVID–19 in the State of Texas and in my congressional district in Houston and Harris County. Over the last couple of days, we have had upwards of 900 cases.

There are 2.5 million cases over the Nation and growing, with 126,000 who have died. In the last 3 days of last week, there were 45,000 new cases. Most of them were in Texas, California, and Arizona.

That is why I am absolutely baffled and saddened by the fact that this administration would go to the Supreme Court to cut off, deny, extinguish, put

in harm's way Americans who need health insurance and who have pre-existing conditions.

This is legislation that is a lifeline. We are saving lives.

A family of four earning $40,000 would save nearly $1,600. They may have a COVID patient in their family. A 60-year-old earning $57,000 would save $8,000.

It takes into account people who are unemployed by replacing insurance that they have lost.

It takes into account the great need for drug price negotiation under the Elijah E. Cummings Lower Drug Costs Now Act, something that we have all been fighting for, for a very long time. Why can't we negotiate drug prices just like they do in Medicare?

I am pleased that this legislation protects vulnerable populations from losing health coverage by ensuring that Medicaid and CHIP beneficiaries receive a full 12 months of coverage once enrolled, protecting them from interruption due to fluctuations in their income throughout the year. That has happened to a lot of hard-working parents.

In addition, it improves Medicaid beneficiaries' access to primary care. And, yes, for those States that did not do the right thing, it encourages Medicaid expansion. It gets rid of junk policies.

Madam Speaker, let us vote for this bill because it stops the devastation.

Madam Speaker, as a senior member of this body and an original cosponsor of the legislation, I rise in strong and enthusiastic support of H.R. 1425, the ''Patient Protection and Affordable Care Enhancement Act,'' which expands tax credits to lower Americans' Marketplace health insurance premiums and allow more middle-class individuals and families to qualify for subsidies and know the peace of mind that comes with access to affordable, high quality health care.

This legislation is especially needed in these dark and troubling times when the COVID–19 pandemic has already claimed the lives of more than 128,000 Americans and over 40 million have lost their jobs because of the Administration's catastrophic response to the crisis.

Specifically, Madam Speaker, I support H.R. 1425 because under this legislation:

1. A family of four earning $40,000 would save nearly $1,600 in premiums each year.

2. A 64-year-old earning $57,420 would save more than $8,700 in premiums each year.

3. A single adult with income of $31,900 would see premiums cut in half.

4. An adult earning $19,140 would see premiums cut to zero, saving $800 dollars a year.

Additionally, the legislation ensures that families who do not have an offer of affordable family coverage from an employer can qualify for subsidies in the Marketplaces and it provides funding for reinsurance initiatives to further lower premiums, deductibles, and other out-of-pocket costs.

Importantly, included in the legislation is the drug price negotiation mechanism from H.R. 3, the transformational Elijah E. Cummings Lower Drug Costs Now Act, (H.R. 3), which delivers immense savings to taxpayers, employers, workers and patients by preventing Americans from having to pay so much more for our medicines than pharmaceutical companies charge for the same drugs overseas.

Madam Speaker, this legislation strongly encourages Medicaid expansion to hold-out states like my home state of Texas to reconsider by renewing the ACA's original expanded federal matching for states that adopt the Medicaid expansion and progressively reducing administrative FMAP for those who continue to refuse.

Currently, nearly 5 million Americans have been cruelly excluded from coverage because states have refused to expand Medicaid.

Madam Speaker, this legislation provides necessary funding for critical federal and state efforts to increase health coverage enrollment, educate consumers of their health care rights, and help individuals navigate the health insurance system.

And it delivers funding for states who want to establish their own statebased Marketplaces.

Madam Speaker, the COVID–19 pandemic has laid bare the racial and ethnic inequalities and disparities in our health care delivery system.

That is why I am pleased that the legislation before us protects vulnerable populations from losing health coverage by ensuring that Medicaid and CHIP beneficiaries receive a full 12 months of coverage once enrolled, protecting them from interruptions due to fluctuations in their income throughout the year.

And it improves Medicaid beneficiaries' access to primary care physicians, by reauthorizing the ACA's increased payments to primary care physicians who treat Medicaid recipients.

Also, very important is that the legislation addresses the maternal mortality epidemic by requiring states to extend Medicaid or CHIP coverage to new mothers for 1-year postpartum.

Finally, Madam Speaker, H.R. 1425 cracks down on junk plans & strengthens protections for people with pre-existing conditions and reverses the Trump Administration's expansion of junk health insurance plans that do not provide coverage for essential medical treatments and drugs, and that are allowed to discriminate against people with preexisting medical conditions.

And it curtails the Trump Administration's pernicious practice of giving states waivers to undermine protections for people with pre-existing conditions and weaken standards for essential health benefits.

Madam Speaker, to stroll down memory lane for those of us who remember how things were before the enactment of the Affordable Care Act, dozens of our committees, including the Judiciary Committee, heard the pain of people whose family members had died because they had no access to healthcare and/or they had junk policies.

Access to affordable, high quality health insurance because of the ACA was a game changer or persons with preexisting conditions like Sickle Cell anemia, triple negative breast cancer, and diabetes which plague communities like the ones I represent.

As a member of Congress who voted against each of the dozens of Republican efforts to repeal the Affordable Care Act, I know first-hand how important and critical access to affordable, high quality, accessible health care available to everyone, including those with pre-existing conditions, to the well-being of American families.

Because of the passage of the Affordable Care Act, the national uninsured rate has been slashed from 14.8 in 2012 to 8.8 percent in 2018.

Texas has long led the nation in rate of uninsured so the comparable rates are 24.6 and 15 percent, respectively.

Madam Speaker, I distinctly recall a candidate for the highest public office in the land saying ''Obamacare is a disaster'' and appealing for voters to support him with this question: ''What have you got to lose?''

The question deserves a response so I hope that person, who occupies the Oval Office, is listening to my answer.

The Affordable Care Act, or ''Obamacare,'' has been an unmitigated success to the more than 20 million Americans who for the first time now have the security and peace of mind that comes with affordable, accessible, high quality health care.

Madam Speaker, Tip O'Neill used to say that ''all politics is local'' so let me share with you how Obamacare has dramatically changed lives for the better for the people in my home state of Texas.

1.874 million Texans gained coverage since the ACA was implemented but could lose their coverage if the ACA is entirely or partially repealed or invalidated.

508,000 kids in Texas who have gained coverage since the ACA was implemented are also at risk of having their coverage rolled back.

205,000 young adult Texans who were able to stay on a parent's health insurance plan thanks to the ACA now stand to lose coverage if the ACA is struck down, eliminating the requirement that insurers allow children to stay on their parents' plans until age 26.

646,415 Texans who received cost-sharing reductions to lower out-of-pocket costs such as deductibles, co-pays, and coinsurance but are now at risk of having healthcare become unaffordable if the Trump Administration has its way in the Supreme Court.

10.28 million Texans who now have private health insurance that covers preventive services without any co-pays, coinsurance, or deductibles stand to lose this access if the provisions in the ACA requiring health insurers to cover important preventive services without cost-sharing is stricken.

913,177 individuals Texans who received financial assistance to purchase Marketplace coverage in 2016, averaging $271 per individual, are at risk of having coverage become unaffordable if the ACA is not protected.

Madam Speaker, millions more Texans could have insurance if all states adopted the ACA's Medicaid expansion.

Women in Texas who can now purchase insurance for the same price as men are at risk of being charged more for insurance if the ACA's ban on gender rating in the individual and small group markets is invalidated.

Before the ACA, women paid up to 56 percent more than men for their health insurance.

Roughly 4.5 million Texans who have pre-existing health conditions are at risk of having their coverage rescinded, being denied coverage, or being charged significantly more for coverage if the ACA's ban on preexisting conditions is struck down.

346,750 Texas seniors who have saved an average of $1,057 each as a result of closing the Medicare prescription drug ''donut hole'' gap in coverage stand to lose this critical help going forward.

1.75 million Texas seniors who have received free preventive care services thanks to ACA provisions requiring coverage of annual wellness visits and eliminating cost-sharing for many recommended preventive services covered by Medicare Part B, such as cancer screenings, are at risk of losing access to these services if the ACA is not protected.

The Affordable Care Act works and has made a life-affirming difference in the lives of millions of Americans, in Texas and across the country.

This is what happens when a visionary president cares enough to work with a committed and empathetic Congress to address the real issues facing the American people. The Republicans have NO vision whether it is for Obamacare (ACA) or Medicare for all—they are denying health coverage to the most vulnerable American families and Americans with pre-existing conditions. Vote for this bill.

You want to know why the American people have Obamacare?

It is because Obama cared.

The same cannot be said about this Republican president and congressional Republicans who have made careers of attacking and undermining the Affordable Care Act's protections and benefits for the American people.

I urge all Members to vote for H.R. 1425 and send a powerful message to the President and the American people that this House will not stand idly by as this Administration tries to take away health care from more than 130 million persons.

Mr. WALDEN. Madam Speaker, I believe neither of us has any more speakers. I yield myself such time as I may consume to close.

Madam Speaker, we have had a good debate here on the floor. Unfortunately, it is not a debate over a bipartisan piece of legislation. It is a debate over a partisan bill that will never become law. The President's office has issued a recommendation that he would veto this bill, should it ever get out of the Senate and to his desk.

Beyond that, let's talk about what impact this will have in this pandemic.

We have heard a lot about drugs. We know from the Congressional Budget Office that this legislation will reverse the gains and innovation made in the bipartisan 21st Century Cures Act, that it would result in fewer new drug products developed and coming to market. In fact, the Congressional Budget Office estimates that up to 38 fewer medicines would be developed to cure diseases.

My friend from Massachusetts talked about Therese on the doorstep in Lowell, Massachusetts, with COPD. What a tragedy it would be if one of those 38 medicines under development happened to cure COPD.

Maybe it is a cure for COVID–19. Maybe it is a cure for ALS or Alzheimer's or some form of cancer, like the ovarian cancer that claimed my mother.

What we do know is it puts a dagger in the heart of innovation. In fact, those scientists we are all turning to right now, Madam Speaker, these brilliant young men and women in laboratories all across America, especially those out in California at California Life Sciences Association, said this legislation, H.R. 3, part of which is incorporated in this bill, could lead to as much as a 58 percent reduction in revenue, which would significantly reduce investment in partnerships, licensing agreements, and emerging companies, and, therefore, lead to an 88 percent reduction in new medicines developed by small U.S. biotech companies. That number was an 88 percent reduction.

Further, they expect it to eliminate 80,000 high-paying biotech and R&D jobs nationwide. Why would you do that now? Why would you knowingly enact a provision in legislation that would cut 80,000 American high-tech and R&D jobs in the healthcare field, where we are pleading for a cure. We are, dare I say, praying for a cure or a treatment not only for COVID but for these other diseases. The legislation before us today would do that.

We have heard a lot about international price controls this legislation would put in place, government price setting. Now, let's talk about what that means.

For example, when looking at a sample of 270 new medicines launched in the United States from 2011 to 2018, of those available in the United States under our formula, 67 percent are available in Germany, 64 percent in the U.K., 48 percent in Japan, 53 percent in France, about 52 percent in Canada, 41 percent in Australia.

Even in countries where treatment may have been launched, patients often have to wait months, sometimes years, before they get access to that treatment. Compared to the United States, in Australia, it takes an average of 19 months longer for medicines to become available to patients.

By the way, this is the scheme that this legislation wants to put into the United States.

Compared to the U.S., in Canada, it takes an average of 14 months longer for medicines to become available to patients.

More than a year is a long time to wait if you know there is a medicine that could help you with some disease and that medicine has just been developed, and you can get it in America tomorrow and wait 14 months in Canada. In the U.K., it could be 11 months longer.

It doesn't have to be that way. We have H.R. 19. We introduced it at the beginning of this debate some time ago. I think there were seven different provisions that have already become law. Everything in that legislation is bipartisan.

Look, there are going to be differences of opinion among really good people that I work with on a regular basis, and we just disagree on policy. But wouldn't it make more sense to take the things upon which we do agree on policy and move those forward into law while we debate the things where we have a disagreement and work to try and find common ground? But that is not what is happening today.

The navigator program, the bill dumps $100 million more into the exchange user fee program, into the failed navigator program. Let's talk about that a minute.

Navigators enroll less than 1 percent of total enrollees, according to one report. In fact, one awardee of the navigator program had an enrollment goal of 2,000. It kind of missed their goal, Madam Speaker. They enrolled one person.

□ 1115

They eventually enrolled a total of 67 for $2,300 per enrollee. And in the private sector, they do that for about $2.40, not $2,300.

The top 10 navigators signed up just 317 people in 2017. We are going to pump far more money into that. This legislation would do that. We have heard about some of that.

The subsidies in here for some of the wealthiest Americans—kind of ironic that the Democrats would be doing this in their legislation, but they removed the subsidy cap that diverts taxpayer dollars for some of the highest earners in the country.

There is a blank check for insurance companies. I have talked about the loss of cures, up to 38 in the next 20 years. Remember, the 10- and 20-year pipelines here, there are some estimates that there could be hundreds of new drugs.

When I think about the farmer in Minnesota we heard about with $20,000 in premiums per year and $12,000 copayments, that is what America got from the ''Affordable Care Act.'' That is what ObamaCare delivered. It didn't do anything to go after the costs of healthcare.

The Trump administration, conversely, has done a lot to go after the cost of healthcare. I have been with the President when he announced initiatives to make hospitals disclose their costs so Americans could shop and we could get competition. We had no more left the Roosevelt Room and returned to the Oval Office when the Secretary of Health and Human Services announced the American Hospital Association already filed suit to stop that transparency in disclosure.

By the way, the administration just won a judgment in court that they can proceed to get that disclosure so consumers can know what things cost and make informed decisions.

We worked together across the aisle when I was chairman of the Energy and Commerce Committee on really powerful legislation to address the opioid crisis in America. We put enormous amounts of money into our community health centers. We fully funded, for a decade, the Children's Health Insurance Program, and we did all of that in a very, very bipartisan way.

We, in the last few years, under the Republican majorities, rewrote America's mental health laws. We all know there is more to be done to get mental health services into our communities, but we have put an unprecedented amount of support into mental health services.

Meanwhile, our community health centers, under the Democrats, continue to get an every-couple-of-month infusion of money, which is enormously frustrating for them. I know when I was chairman, it made national headlines that there were some levels of delay in fully funding our community health centers, and we ended up getting them a 2-year, fully funded, at the highest level ever, funding guarantee.

Their money runs out in November. Why are we doing that? Why aren't we taking that up?

The President led the effort on surprise medical billing so that, even if you have insurance and you end up like a woman in Colorado who, a few years back, gave birth to her second son. That child, born in a hospital, covered by her insurance, doctors covered by her insurance, had a medical issue after birth and had to go to the neonatal intensive care unit—just down the hall, by the way. It turned out that that hospital had contracted out that neonatal intensive care unit, and it turns out it wasn't in her insurance at all. Now, how in the heck does a consumer know that?

We have bipartisan surprise billing legislation. It passed out of the Energy and Commerce Committee a year ago and has yet to come to the floor of the House under the Democrats. So, meanwhile, consumers are getting stuck with surprise bills when they are playing by the rules. It continues and it shouldn't. Hopefully, we can get that legislation to the President's desk. He is ready to sign it.

Meanwhile, we have made record investments at NIH, and we reauthorized the user fee agreement so that FDA, the Food and Drug Administration, our innovators, can bring their drugs and new medical devices to market faster than any time and still safe. We did that under Republican legislation and signed by President Trump.

President Trump invoked the Defense Production Act when we didn't have enough ventilators or masks or gowns to order companies to make swabs, to make ventilators and move forward and continued that investment.

And that was in a bipartisan way, by the way, with the CARES Act. We can do bipartisan work. We are just not doing it today.

The choice to do partisan or bipartisan work is always made by the majority. When I was chairman I could move anything I wanted, generally speaking, at any time, but I chose to try and make the bulk of our work—nearly all of our work—bipartisan because I actually wanted it to become law.

The drug bill Democrats passed earlier this year that takes away access to new medicines and put 88,000 jobs in the high-tech world of innovation in medicine, that bill is going nowhere. This bill is going nowhere. The police reform bill is going nowhere.

What a tragedy. What a lot of opportunity. Because there are many, many of us on this side of the aisle, as the Speaker knows, who stand ready to work in a bipartisan way to get good policy and to solve problems for the American people.

Madam Speaker, it is unfortunate we find ourselves here today when Americans expect so much more out of this institution. I hope people will show up and we can actually do our work and actually do it in a way that will bring a positive view on this House and on our ability to solve these enormous problems that the American people are facing, whether they are suffering from COPD or simply higher insurance premiums and deductibles.

What good is your insurance plan if you can't afford to use it, or when you think you followed all of the rules to use it and then find out they contracted out the emergency room and nobody covers the costs there?

So let's defeat this now. Let's go to a room where we can work these things out, we can find common ground here that won't put a dagger in the heart of innovative jobs in America, that won't slow innovation in medicine and medical devices, lifesaving medicines, but that will bring better healthcare for Americans.

Finally, on the issue of preexisting conditions, the President has been very clear he supports protecting people with preexisting conditions, as do I, going back to when I was in the State legislature in Oregon. We made efforts to do that.

I have had legislation since the opening day of this Congress to make sure, regardless of how the lawsuit comes out, that we protect people with preexisting conditions. The Democrats won't let us bring this bill to the floor.

So, Madam Speaker, I urge a ''no'' vote on this legislation, and I yield back the balance of my time.

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

Madam Speaker, I respect, greatly, my colleague, the ranking member, but I have to say, the tragedy that we face is the President, President Trump, who has totally neglected the situation here.

The tragedy is not this Congress. This Congress passed the HEROES Act, but we have a President who simply ignores the COVID crisis, who doesn't want to take the bull by the horns and actually do something nationally to deal with testing, to deal with medical supplies, to deal with what needs to be done, and continues to suggest that somehow the pandemic has gone away.

This Congress took action with the HEROES Act. The tragedy is a President who continues to seek repeal of the Affordable Care Act.

The Affordable Care Act, Madam Speaker, had led to over 90 percent of Americans having health insurance when President Obama left office. That number is going down. Last week, the Trump administration filed a brief again to repeal the Affordable Care Act.

The tragedy is what he has done, what President Trump has done to encourage junk plans, which basically don't allow people with preexisting conditions to even get health insurance. This is the tragedy. And we in this Congress are doing things to reverse this sabotage of the Trump administration, beginning today, again, with this enhancement act.

Now, I just want to say that one of the things that we are doing here that is so important is reversing the Trump administration's pushing of these junk plans. The Energy and Commerce Committee did a report investigation of it last year, and what we found was that these junk plans discriminate against people with preexisting conditions. They rescind coverage if they have to pay out too much. They limit coverage.

Remember, the Affordable Care Act provided an essential benefit package, robust coverage, that you would have mental health coverage, that you would have hospitalization, that you would have the things that people expect to have in their insurance policy; but instead, the Trump administration is pushing out to millions of people—and the numbers keep growing every year—these junk plans that discriminate and do the opposite.

And we are going to bring down prescription drugs.

Madam Speaker, I urge support of this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The time for the Committee on Energy and Commerce has expired.

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

The Chair recognizes the gentleman from Massachusetts.

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

Madam Speaker, I am really pleased today to join with the Speaker and other committee chairs to have successfully introduced the Patient Protection and Affordable Care Enhancement Act and welcome the measure's consideration in this House today.

Hearing the former chairman of the Energy and Commerce Committee a few minutes ago, a decent guy, he said that there was room for bipartisanship in the healthcare debate. I mean, I have been here for a long time. Where was the bipartisanship—and I am going to submit something. Republicans, in all the years I have been in this House, they have not agreed amongst themselves on healthcare, never mind agreeing with Democrats on healthcare.

So, for years, we have worked to expand access. That is what this argument is about today. We want to make sure that affordable healthcare exists

for the American family and to build upon the coverage gains of the Affordable Care Act.

The COVID–19 crisis only adds urgency to an already pressing problem for millions of American families, a problem that has been consistently exacerbated by the Trump administration's relentless crusade to dismantle the American healthcare system.

Recall on the campaign trail when President Trump was asked by reporters what he intended to replace ObamaCare with, and he said: Don't worry, pal, you are going to love it.

That was the answer.

Just last week, under the cover of night and while many Americans were likely sleeping, the Trump administration took another step toward invalidating our healthcare laws. They filed a brief with the Supreme Court in support of undoing the ACA and ending protections for nearly 130 million Americans with preexisting conditions.

I helped to write this law. I am really proud of it.

They staked out this position during a pandemic, when millions of Americans need healthcare more than ever.

Our new Patient Protection and Affordable Care Enhancement Act is utilized to expand tax credits for lower premium costs for the American consumer. For the first time in the history of the ACA, no one will pay more than 8.5 percent of their income on a silver plan through the marketplace.

□ 1130

I will quickly share the other scenarios that people will witness savings through:

A family of four earning $40,000 would save nearly $1,600 in premiums each year.

An adult earning about $19,000 would see premiums cut to zero, saving $800 a year.

And a 64-year-old earning $57,000 a year would save more than $8,700 in premiums each year.

These are significant savings that would make a big difference for Americans particularly during the current health and economic crisis that we find ourselves in.

I want to thank Representative UNDERWOOD for her tireless work on these provisions and advocating for the millions of Americans who will see their premium costs go down, recalling that when the ACA was offered and embraced 20 million Americans received health insurance.

I want to thank Representative WILD for leading the effort to remove a longstanding barrier for families with an offer of affordable family coverage, as well as Representative NEGUSE for his work on behalf of Social Security beneficiaries who were at risk of losing premium tax credits for the time they were covered by the ACA marketplace.

These tax credits aren't the only benefits consumers can expect under this very important legislation. We also slashed prescription drug costs, we reduced consumers' deductibles, encouraged more States to expand Medicaid and establish their own ACA marketplace, and to put an end to the expansion of junk insurance plans.

Notably, this legislation reduces the number of uninsured Americans by more than 4 million people. These are issues that matter to everyday Americans perhaps now in this COVID crisis more than ever. Ensuring all Americans can access quality healthcare without risking their family's financial security really shouldn't be a partisan issue.

After almost 70 votes on Republican bills to repeal or undermine the ACA, I am really happy to stand on this floor today in support of this legislation that will continue to build on the gains of the ACA, for legislation that increases access to affordable, quality healthcare, and for legislation that is for the American people.

Madam Speaker, I urge my colleagues to vote in favor of this timely legislation, and I reserve the balance of my time.

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

Madam Speaker, as a Republican in Congress, I am proud of our Republican congressional efforts creating the Medicare part D prescription drug program for seniors which then-Leader NANCY PELOSI and Democrats tried to kill. You may remember that Speaker PELOSI famously predicted that creating the crucial part D prescription plan for the elderly ''would end Medicare as we know it.''

Can you imagine how many seniors' lives would have been lost if she had succeeded in stopping the affordable Medicare drug program 43 million seniors have come to depend on today?

We are in the middle of an unprecedented national pandemic. Americans are worried about their health and their jobs. Yet here we go again in the Democratic House, another partisan bill with no input from Republicans but lots of input from campaign operatives and special interest groups. The American people are sick and tired of this partisanship.

To my Democratic colleagues and friends, I say: Stop playing political games with healthcare.

Madam Speaker, this bill is dangerous to your health in three key ways: It stops lifesaving cures from getting to the patients who need them most. It blocks Americans from buying affordable, short-term health plans that cover them in between jobs. And it threatens to slash State support for Medicaid for the most vulnerable and poor. As if that isn't enough, it doubles down on the most unpopular healthcare plan in modern history: the Affordable Care Act.

Madam Speaker, you remember that disaster. It broke every promise Democrats made to the American public.

Do you remember: If you like your healthcare plan you can keep it? False.

If you like your doctors, you can keep them? False.

Your healthcare costs will go down by $2,500 a year? Big false.

No American making less than $250,000 a year will see a tax increase? False.

ObamaCare won't add a dime to the Federal deficit? False.

By the way, it will add over $1.5 trillion in debt this decade.

Here we are battling the coronavirus and hoping against hope as companies partnering with the government are racing heroically to bring new treatments and medicines that will save our lives and prevent Americans from being infected.

Yet today, House Democrats are unbelievably advancing a bill with provisions that the Congressional Budget Office and the Council of Economic Advisers predicts will stop as many as 100 lifesaving cures from ever getting to the patients who need them most.

The California Life Sciences Association says that the Pelosi plan for government setting medicine prices would mean nearly nine of ten new drugs would never be made available—never—from their researchers in small biotech companies. These are the medicines that could be the answer to some of the most heartbreaking and devastating diseases—including COVID–19—that our children, seniors, and families are facing.

As this pandemic makes urgently clear, we need more cures, not fewer. Fewer cures means more lives cut short. Yet leading Democrats shrugged off these research experts and say: We are fine with that.

Although the Affordable Care Act has improved under President Trump—no sabotage—prices went down in most States, insurance companies have stabilized, and many families see more choices today. But it remains fatally flawed.

Here is proof: two out of three Americans eligible for ObamaCare are turning it down—two out of three. They say that it is healthcare they don't want, they can't afford, and it doesn't work for them.

Unbelievably, Democrats are so hell-bent on forcing Americans on to the ACA, today they are threatening to slash State support for Medicaid unless States buckle to expand ObamaCare.

Holding the poor hostage, threatening to defund the operations of Medicaid at the State level? That is immoral. Maybe they don't remember that the Supreme Court quickly struck down their last scheme to extort States.

Finally, despite the claims they are expanding healthcare choice, this misguided bill blocks Americans from buying legal, affordable, short-term plans often used by small business workers and Americans who are out of work or in between jobs. Yes, these health plans aren't for everyone. But to the 3 million Americans with these lifesaving plans, Democrats say: Tough. If you don't like your plan, or even if you do, you can't keep it.

There is a better way than this dangerous, partisan waste of time. Real people are hurting. We should work together in Congress to make affordable, patient-centered healthcare a reality for Americans.

Last year Republicans proposed legislation that brought together ideas and bills from Members of Congress from both parties to lower drug prices and accelerate new cures. Healthcare policy fails when it is partisan. We must work together now to make drugs more affordable, to expand access to quality care, and, yes, to lower costs. This bill doesn't achieve any of those goals. It is partisan business as usual during a time when our Nation calls out for so much more.

I reserve the balance of my time, Madam Speaker.

Mr. NEAL. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. Madam Speaker, I rise in strong support of H.R. 1425, legislation expanding and enhancing the Affordable Care Act and lowering healthcare costs for all Americans.

In the past 6 months over 120,000 Americans have died due to COVID–19. Millions have lost their jobs and, in many cases, their health insurance. That is why it is so critical that we strengthen and build upon the foundation of the Affordable Care Act, which is exactly what this bill does.

This legislation reduces the price of expensive pharmaceuticals—including insulin—saving taxpayers billions of dollars while driving down drug costs for all Americans.

The bill uses those savings to lower insurance premiums and expand tax credits, helping more Americans afford the coverage that they need.

This bill bolsters State Medicaid programs, funds COVID–19 vaccine research, and cuts the number of uninsured Americans by nearly 4 million.

The President and my Republican colleagues are actively trying to gut protections for preexisting conditions and take healthcare away from millions of Americans.

By contrast, this legislation reduces healthcare costs for millions of Americans at this critical time. It is vital that we give our constituents the help they need.

I heard so many of my friends on the other side talk about how they want to protect people who have preexisting conditions, every one of which is in support of the lawsuit to repeal the Affordable Care Act, the very bill and the very law that protects people who have preexisting conditions.

Madam Speaker, you cannot be for protecting preexisting conditions and for repealing the law that provides that protection.

Madam Speaker, I urge my colleagues to vote ''yes'' on this bill.

Mr. BRADY. Madam Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. KELLY), who is a key member of the Ways and Means Committee.

Mr. KELLY of Pennsylvania. Madam Speaker, the objective of this bill is to prop up the Affordable Care Act, so we want to pump money into Medicaid the program and then impose price controls on prescription drugs.

H.R. 1425 lifted the provision in Speaker PELOSI's drug bill, H.R. 3, that gives the Secretary of HHS the power to set Medicare drug price controls for pharmaceutical manufacturers and use it as a pay-for. The savings from this price-setting power is meant for the expansion of the Affordable Care Act.

Now, the facts are clear. Private investment in drug research and development fuels the innovation ecosystem for the new medicines. It is just that simple.

Madam Speaker, the Congressional Budget Office has already determined that H.R. 3's negotiation provision would result in fewer cures. You have to be especially tone deaf to introduce legislation that punishes the very pharmaceutical companies that are going to innovate and mass-produce the vaccine the entire world is counting on to counter the spread of COVID–19.

Last year, we were 80 percent of the way there on a bipartisan measure before we got sidelined by H.R. 3 and legislation just like this. Let's get back to the people's work and work together on solutions that make sense, like H.R. 19, drug legislation that would actually make it to the President's desk.

Now, with all that in mind, let's talk about who it is that we are really talking for today, who it is that we represent on the people's floor, and who it is that we are looking out for because too often this becomes about November 3, 2020, and not about everyday lives back in the Districts and the folks whom we represent.

I want to read a letter that I have read before because I think it really deserves to be repeated. This was sent to me in October of 2019.

''Dear Congressman KELLY: My name is Sara Stewart, and I'm from St. Petersburg, Pennsylvania. It is my understanding that the House Ways and Means Committee is having a public hearing on H.R. 3—the Lower Drug Costs Now Act of 2019.''

This is the very H.R. 3, by the way, that is being included in H.R. 1425.

''It appears this legislation does not have bipartisan support and needs to take a more balanced approach. The balance is needed for patients like my 10-year-old daughter Maddie.

''Maddie suffers from a rare mitochondrial deletion condition called Pearson's syndrome, which is a disorder that occurs as the result of mutated genes in the body. These genes impact the mitochondria of her cells and prevent them from producing enough energy for the body to function properly. Pearson's syndrome is difficult to diagnose because it affects each individual differently. Maddie's symptoms through the years have included being blood transfusion dependent for several years, the inability to heal after sun exposure damage, becoming type 1 diabetic, progressively losing her hearing and her vision, kidney failure, and several other daily complications including developmental delays when having a body that runs on limited energy. It has been truly heartbreaking to see her endure this disease, but she continues to defy the odds.''

This child is a 10-year-old.

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

Mr. BRADY. Madam Speaker, I yield the gentleman an additional 30 seconds.

Mr. KELLY of Pennsylvania. ''My simple message to you, Mr. Kelly, and the rest of the committee''—and the rest of Congress—''is: There is no cure or treatments for Pearson's syndrome. Each day is a struggle to keep Maddie balanced so her body is able to better cope with symptoms of this terrible disorder. All we have, as well as many other families across the world, is hope. Please, don't let partisan bickering impact the ability of researchers to discover and innovate new therapies that could save Maddie's life one day. The clock is ticking, and Maddie is waiting.''

Madam Speaker, it simply comes down to this: if you want to develop new drugs, then don't penalize the people who develop them. Don't hold them as the bad guys when we require them. Please come up with something to address COVID–19.

□ 1145

Mr. NEAL. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Madam Speaker, approaching July Fourth, we should be celebrating the greatness of our country. Instead, we are mired in a pandemic when we have more people infected and more deaths from this pandemic than any country in the entire world—with President Trump floundering and whining.

His approach to this pandemic—denial, delay, and ongoing deception—has been exposed for the fraud that it is. And because of his multiple failures, now is a time when more Americans desperately need the opportunity to enroll in health insurance, not the junk insurance that he has been promoting. Instead, he seeks to eliminate—as do our Republican colleagues—the Affordable Care Act and the coverage that it has today for millions of our citizens.

Madam Speaker, today's bill offers a reaffirmation that the Affordable Care Act should be strengthened, not destroyed. Strengthening that would have been occurring long ago but for the fanatic decade of our Republican colleagues in trying to destroy the Affordable Care Act. Next year, however, we have to do much more for healthcare than simply to return where it should have been. Millions of Americans, particularly in a State like

Texas, which has more uninsured children than any State in America, they are still likely to be excluded because of obstructionist Republican State leaders. And even those who have insurance, are still often the victims of prescription price gouging.

Madam Speaker, the exceedingly modest pharmaceutical provision in today's bill excludes the uninsured and falls well short of what is needed to prevent monopoly prices for drugs developed at taxpayer expense. This bill pours more billions into pharmaceutical development with no assurance that the prices or the resulting cures will be affordable. We see only today with the pricing of remdesivir, a drug that would have been left in the scrap heap of failures but for taxpayer funding, that the same taxpayers that developed the drugs will be charged billions to get them.

Let's look forward to a day when we have a competent and committed President to bring healthcare for all.

Mr. BRADY. Madam Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. SMITH), a leader in rural healthcare reform.

Mr. SMITH of Nebraska. Madam Speaker, I rise today in opposition to H.R. 1425.

I stand here somewhat surprised that there is celebration of the successes of the so-called Affordable Care Act. Many of my constituents are offended by the mere name of the bill, the Affordable Care Act, because they don't find it affordable. They found it quite unaffordable.

I would argue that is why we are here today, with a fairly clever scheme of taking money from here and putting it there, which likely will still drive up the cost of healthcare. It is just a few different people paying for it.

Madam Speaker, if we want true healthcare reform, we should do that, but we haven't done that. Let's look for the bipartisan opportunities on drug costs, as mentioned earlier. Those had been advancing, but those were all pushed aside for H.R. 3.

H.R. 3 passed the House knowing that it wasn't going to go anywhere. I would argue that some people probably even voted ''yes'' on H.R. 3 because they knew the Senate would not take it up and because they also know that it has major problems.

But here we are today, again, with this scheme that I think will fail the American people, just like so much of the so-called Affordable Care Act has failed the American people in its mere cost, not to mention other things.

Yes, I remember those comments of, ''If you like your healthcare plan, you can keep it.'' We know that didn't happen. So many other promises were made that were not kept.

And the American people want us to work together, especially now. Probably more than in the history of our country, the people want us to work together on bipartisan solutions.

Madam Speaker, we need to do that. We can do that. There is even evidence that there is productive work already done in a bipartisan fashion.

So let's not do this bill, H.R. 1425, today. Let's go about it in a bipartisan way where we know the American people will benefit more and our system can support that.

Mr. NEAL. Madam Speaker, I would point out that 100 percent of the children in Massachusetts have healthcare today and 97 percent of the adults.

Madam Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Madam Speaker, I listened to my colleagues cry out for a bipartisan cooperation and progress. I listened to them talk about somehow having promises not kept.

Think for a moment. My colleagues—the promise of Donald Trump and the Republicans to replace and enhance the Affordable Care Act. They are going to eliminate it, and they are going to replace it with something better.

No, they could not do it.

They have been assaulting the Affordable Care Act since the moment it was passed and they got their hands on part of the political control.

They fought to protect Big Pharma so that we have this corrupt bargain where Americans have to pay the highest prescription drug prices in the world in order to bribe pharmaceutical companies to continue research. And they wouldn't unless Americans pay more than anybody else in the world—including, in many instances, people who can't afford their prescription drugs. That corrupt bargain needs to be rejected.

Madam Speaker, now we are hearing, I think, starkly, the difference between Republicans and Democrats—night and day—that active sabotage of the Affordable Care Act, today with the Republican attorneys general and the full weight of the Trump administration to try again to repeal it in its entirety.

Madam Speaker, our legislation would increase coverage for 4 million people. You know, it is interesting watching people fight against the efforts of the Trump administration and the Republicans to deny them coverage. Almost one-half million people figured out a way to apply, demonstrating the need in the time of coronavirus.

Madam Speaker, my Republican friends have nothing to offer. They have no plan. The Trump administration only wants to destroy the Affordable Care Act at a time when it is more important than ever.

Madam Speaker, I strongly urge approval of this package.

Mr. BRADY. Madam Speaker, I yield 1 minute to the gentleman from New York (Mr. REED), a key leader of the Committee on Ways and Means on healthcare reform.

Mr. REED. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, I rise today in opposition to the bill before us.

The debate, America, is very simple. I am a proud Republican, and I stand with the private market. I stand with you, as the people.

My Democratic colleagues, they offer you a vision of healthcare defined and controlled by the government. If you believe the government can do a better job with your healthcare, then so be it, vote with the Democratic colleagues. But if you believe in entrepreneurs, if you believe in innovators, then vote with the Republican ideas that lead to more innovation.

The bill before us today, we had a conversation with the Health and Human Services Secretary in the Committee on Ways and Means and with the Congressional Budget Office independently confirming that there will be dozens fewer innovations when it comes to treatments and cures for Americans with the passage of this bill.

That is what you are doing—eyes wide open—and we are not going to let you get away with it.

Madam Speaker, when you vote for this bill, you are dooming millions of Americans to not have a cure for the disease. Vote for the bipartisan bill, H.R. 19, Lower Costs, More Cures. That is the bill that will get through the system.

Mr. NEAL. Madam Speaker, I yield 2 minutes to the gentlewoman from Washington State (Ms. DELBENE).

Ms. DELBENE. Madam Speaker, I rise today in support of the Patient Protection and Affordable Care Enhancement Act.

The high price of prescription drugs is one of the top issues I hear about from my constituents. In 2019, I received nearly four times as many comments about prescription drug costs as the year before. Now, with the COVID–19 pandemic and resulting economic crisis, addressing the issue of drug pricing is more urgent than ever.

The patient stories are numerous and never-ending. I would like to share just one with my colleagues and the American people to remind us why this legislation is so necessary.

A constituent of mine, Dana, from Kenmore, Washington, has lived with type 1 diabetes for 14 years. When Dana was first diagnosed with diabetes, insulin cost her $50 each month. Today, that same insulin costs over $600 per month.

That is an 1,100 percent increase for the exact same product, and there have been virtually no changes to insulin since Dana's diagnosis, so the price spike is inexplicable.

Madam Speaker, Dana is not only a diabetes patient but also a nurse practitioner and diabetes educator. She has told me about her patients who go to Canada, where they can get insulin for just $40 a month. But with the border closed because of the pandemic, for many, that option is shut off to them.

Dana has also shared stories of her own patients who can't afford their medications and ration their insulin, which we know can lead to poor health, vision loss, kidney failure, and even death.

Madam Speaker, I strongly support the Patient Protection and Affordable Care Enhancement Act, which will strengthen and improve upon the ACA and finally give the Health and Human Services Secretary the power to negotiate a fair price for insulin, which will dramatically help patients, like Dana, and all the patients that Dana serves in my district.

Madam Speaker, I urge my colleagues to support this legislation.

Mr. BRADY. Madam Speaker, I include in the RECORD a veto threat from President Trump that states the administration strongly opposes H.R. 1425, further demonstrating this bill has no chance of becoming law.

STATEMENT OF ADMINISTRATION POLICY

H.R. 1425—PATIENT PROTECTION AND AFFORDABLE CARE ENHANCEMENT ACT—REP. CRAIG, D–MN, AND 61 COSPONSORS

The Administration strongly opposes House passage of H.R. 1425. This bill attempts to exploit the coronavirus pandemic to resuscitate tired, partisan proposals that would send hundreds of billions of dollars to insurance companies in order to paper over serious flaws in Obamacare. Furthermore, H.R. 1425 would pay for this bailout by imposing price controls that undermine the American innovation the entire globe is depending on to deliver the vaccines and therapeutics needed to respond to the coronavirus.

Since the beginning of this crisis, the Administration has taken a whole-of-America approach to fight the corona virus. This includes a productive partnership with both houses of Congress to respond to the healthcare needs of our citizens. The Administration has delivered millions of pieces of personal protective equipment to frontline healthcare responders, surged hospital capacity, and dramatically scaled up diagnostic and surveillance testing capabilities. The Administration also launched Operation Warp Speed to collaborate with the private sector to develop a coronavirus vaccine, therapeutics, and diagnostics. Additionally, the Administration is working to reimburse providers for corona virus testing and treatment of uninsured Americans so they do not have to worry about the financial implications of obtaining these services.

All this was done while putting the country in the strongest possible position to rebound from the most significant economic challenge since the Great Depression. Working with Congress, the Administration has delivered financial relief directly to over 160 million Americans, over 4.5 million businesses and their employees, and over one million healthcare providers.

Instead of building on these vital, bipartisan efforts, H.R. 1425 reads as if the corona virus never emerged. It repurposes failed proposals from years past that would literally pay insurance companies more to hide the true cost of Obamacare from consumers. Even the additional billions of taxpayer funding is not enough to prop up Obamacare on its own, thus H.R. 1425 goes out of its way to systematically eliminate any competition by prohibiting more affordable coverage options and the consideration of alternative approaches by States. At the same time, the bill lacks any provision to ensure the Federal Government adheres to the long-held consensus to not fund abortion services or abortion coverage.

To create a façade of ''paying'' for the revival of last decade's most partisan project, Obamacare, H.R. 1425 invokes another partisan misadventure reflected in provisions of H.R. 3. In its Statement of Administration Policy on H.R. 3, the Administration explained that these provisions would impose price controls under the guise of ''negotiation'' that would ultimately ''harm seniors and all who need lifesaving medicines.'' In perhaps an indication of the intentions of H.R. 1425, it does not even attempt to include those provisions of H.R. 3 that had previously garnered bipartisan support, such as establishing a cap on out-of-pocket expenses for all beneficiaries in Medicare Part D and other improvements to that program for seniors.

While any time is an inopportune time to dramatically undermine the development of innovative medicines, H.R. 1425 is even more imprudent given the current focus on developing vaccines and therapeutics rapidly to help America and the world combat the coronavirus. To take such an action simply to double down on the same expensive, inefficient, and bureaucratic approach to health coverage that the American people endured for the past decade makes it even more misguided and counter to the most urgent needs of the country.

If H.R. 1425 were resented to the President his advisors would recommend that he veto the bill.

Mr. BRADY. Madam Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. HOLDING), a leading healthcare expert in the Committee on Ways and Means.

Mr. HOLDING. Madam Speaker, I thank the chairman for yielding.

Madam Speaker, one thing that I think has become abundantly clear during this pandemic is how important it is to incentivize biopharmaceutical innovation. Over the past few months, Federal officials worked tirelessly with drug companies to identify and develop treatments that can help mitigate the effects of the coronavirus—indeed, save thousands of lives.

In my district, the town of Wilson, North Carolina, is home to one of the three manufacturing sites that produce over 40 percent of the world's supply of dexamethasone, which has been identified as one of the first lifesaving drugs for coronavirus patients. This site in Wilson is preparing to ramp up production and meet global demands.

Madam Speaker, to effectively fight this pandemic, policymakers must continue working with healthcare stakeholders to spur innovation and ensure a steady supply of vital drugs to treat the coronavirus.

Madam Speaker, unfortunately, we are wasting time today talking about government price controls that would do the exact opposite. Rather than incentivize the development of a vaccine and new and innovative treatments, these price-setting proposals will discourage companies from investing in new drugs, and the tax penalty for noncompliance threatens to force companies and certain drugs out of the United States entirely.

That not only means that thousands of Americans could lose access to the drugs they desperately need, but thousands of folks in towns like Wilson could lose their jobs as companies leave the United States.

Madam Speaker, under no circumstances—no circumstances—can we adopt a policy that will curtail patient access to vital drugs and discourage the development of new, innovative treatments. Even the development of one less drug as a result of this policy is too many in the middle of a pandemic.

Madam Speaker, I urge my colleagues to vote ''no'' on this misguided bill.

Mr. NEAL. Madam Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. SCHNEIDER).

Mr. SCHNEIDER. Madam Speaker, I am proud to rise in strong support of H.R. 1425, the Patient Protection and Affordable Care Enhancement Act.

Our country is in the midst of an unprecedented pandemic requiring unprecedented actions, like the HEROES Act the House sent to the Senate more than 6 weeks ago. Beating back this virus will test us in unimaginable ways, and we cannot afford to allow petty politics to push us backward.

Sadly, inconceivably, that is exactly what the Trump administration asked from the Supreme Court last week when they argued to fully overturn the Affordable Care Act.

With more than 2.5 million infections, and more than 125,000 lives tragically lost, we need to expand access to affordable healthcare; lower the cost of prescription drugs; and improve outcomes for those hardest hit, especially in communities of color and rural communities.

Madam Speaker, the end of the Affordable Care Act and other actions previously announced by this administration, with no plan of their own, will instead leave millions of Americans at risk of losing their insurance. It will result in higher premiums for millions of individuals and small businesses.

Remember this: The 130,000 of us with preexisting conditions, including those who have been infected with COVID–19, will pay the heaviest price.

Madam Speaker, the Affordable Care Act is essential to ensuring Americans have access to affordable and quality healthcare. It is still under attack by our President and his allies.

Today, I and my colleagues demonstrate our commitment to protecting it. The Patient Protection and Affordable Care Enhancement Act will strengthen the ACA by strengthening protections for those with preexisting conditions. It will ensure that no one pays more than 8.5 percent of their income for quality coverage. It will allow negotiations for lower drug costs. It will help address the inequalities in healthcare faced by so many in our country, especially communities of color.

Madam Speaker, this is the kind of bill that should receive bipartisan support in the middle of a historic pandemic, and I urge my colleagues to vote for it.

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Mr. BRADY. Madam Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. SCHWEIKERT), a key member

of the Ways and Means Committee and a technology leader.

Mr. SCHWEIKERT. Madam Speaker, 2 minutes is almost impossible to actually have an honest and detailed debate/discussion in here.

But do understand—and I believe this is a sin of both sides—we are playing this game where we are moving around who pays. We are doing almost nothing to actually reduce the underlying cost of healthcare. Your bill is doing it; ours has done it.

But this bill actually has a very cynical mechanism in it. This board is being recycled from H.R. 3. We are all familiar with the mechanism of reference pricing. We have debated it around here for years.

So, if you are in Great Britain and there is a new drug that gives you a year of healthy life and it costs more than $37,000, it is not purchased. That pricing, that scarcity mechanism, is what the Democrats' bill is importing. So its savings are actually very cynical, because it is going to take away pharmaceuticals that make people healthy.

How could we be doing this, even allow this mechanism, in a time of a pandemic?

You are about to crush all of the little biopharma companies that we are hoping desperately produce miracle cures, and, in a perverse way, for large pharma. You have just given them the market, because you have taken away those who are nipping at their heels.

I beg of you, think about what you are actually doing, because this type of financing mechanism will kill people. It will end lives, because it will create a dearth, a shortage, of the next generation of cures.

Let's not engage in that cruelty. There are better ways to get there. And we have proposed many of them. It would just be nice to get heard, because there are solutions, and this is a really dark one.

Mr. NEAL. Madam Speaker, I yield 1½ minutes to the gentlewoman from Alabama (Ms. SEWELL).

Ms. SEWELL of Alabama. Madam Speaker, I am proud to support the Patient Protection and Affordable Care Enhancement Act today because it is high time that we reduce prescription drug costs for all Americans.

Likewise, this bill includes provisions to expand access to Medicaid and quality healthcare insurance with expanded tax credits and premium subsidies.

This bill includes a provision in the bill—that is, the bill that I have been advocating with my colleagues JOHN LEWIS and MARK VEASEY for some time now—to ensure that all States that expand Medicaid coverage receive an equal Federal match for expansion, regardless of when they expanded. That means that the 14 States—like Alabama, that I represent—could expand Medicaid and get equal Federal coverage in their match.

This provision incentivizes Medicaid expansion because it would help 113 million Americans living in nonexpansion States. In my State alone, over 300,000 more Alabamians would qualify for coverage from Medicaid if we had this bill passed.

The writing is on the wall and the facts are clear: Premiums and healthcare costs are higher in States that haven't expanded Medicaid, and over 70 percent of the rural hospital closures are in States that have not expanded Medicaid.

The public health emergency and economic crisis that we are currently facing means that more uninsured and more unemployed constituents are more vulnerable.

Let's pass this legislation. It will not only expand Medicaid and give Medicaid expansion opportunities with equal Federal match in States like Alabama, but it would also decrease prescription drug costs and protect the preexisting conditions that are so important for all Americans.

This is an important tool, providing our States with enhanced Federal matching funds to ensure Medicaid is one of the best tools that we have to help the communities we represent now and into the future. I urge my colleagues to support this important bill.

Mr. BRADY. Madam Speaker, I yield 1 minute to the gentleman from California (Mr. NUNES), the ranking member of the Health Subcommittee.

Mr. NUNES. Madam Speaker, I rise today in opposition to H.R. 1425.

Per usual, this is a partisan bill that will go nowhere in the Senate and the President will not sign into law.

Among the various problems in this bill is the Democrats' insistence on including provisions which will prevent scientists from finding new cures—at a time when our Nation is working to overcome the coronavirus.

According to the California Life Sciences Association, if this bill passes, 88 percent of new drugs in the pipeline will be discontinued. That is hundreds of diseases that will not be cured and countless lives that will be lost. That is not something that I can support.

Rather than engineer a government takeover of the prescription drug industry, we can work together to provide lower prices for families, and we can do it without reducing cures. But this bill we have before us today is not the answer.

I urge all of my colleagues to vote ''no'' on H.R. 1425.

Mr. NEAL. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. PANETTA).

Mr. PANETTA. Madam Speaker, I rise today in support of H.R. 1425, the Patient Protection and Affordable Care Enhancement Act.

This comprehensive legislation will do what I have always said needs to be done to the ACA: It won't get rid of it, but it does fix it. This bill does that by lowering healthcare costs and raising access to quality healthcare, especially for those who need it the most.

We must do this now, more than ever, with COVID–19 numbers spiking and an administration that is trying to overturn the ACA and reduce healthcare access rather than expand it.

In my district on the central coast of California, the numbers of COVID–19 are growing, but impacting certain communities more than others. Nearly 80 percent of all COVID cases in Monterey County have been found to be in the Latinx community.

Across the Nation, Latinos make up 34 percent of the cases of COVID–19, despite only representing 18 percent of the total U.S. population, while, nationally, Latinos have the highest uninsured rate. H.R. 1425 would fix that by eliminating barriers to affordable healthcare for Latinos and expanding coverage for DACA recipients.

This bill would improve healthcare for all Americans by increasing protections for people with preexisting conditions, strengthening the State marketplaces, expanded premium tax credits, and helping low-income postpartum women and children.

So I call on my colleagues to come together and vote for this bill because now, more than ever, it is time for us to do our job: Improve the Affordable Care Act so that we can provide the necessary healthcare to those who need it the most and everybody in our Nation.

Mr. BRADY. Madam Speaker, I yield 2 minutes to the gentlewoman from West Virginia (Mrs. MILLER).

Mrs. MILLER. Madam Speaker, I rise in opposition to H.R. 1425, which should be called the expanding government and killing cures act.

With this legislation, my colleagues across the aisle are bending American healthcare to the will of Washington bureaucrats.

Any way you look at this, House Democrats took a bipartisan issue, improving healthcare and lowering prices, and botched it. We are now left with bad policy that will stifle innovation for new treatments and therapeutics and do what government does worst: pick winners and losers in the private sector.

This absolutely will not fix ObamaCare's failed policies. This bill gives billions in taxpayer-funded bailouts and subsidies, while doing nothing to streamline services, lower costs, or cut taxes.

Today, House Democrats are wasting everyone's time pushing a bill with price controls, punitive taxes, blank checks, bailouts, and more red tape and bureaucracy.

I want a bill that protects preexisting conditions, lowers drug pricing, incentivizes innovation, fixes our healthcare system, cuts taxes, and actually lets you keep your own doctor—but this is not it.

For these reasons, I urge my colleagues to oppose this legislation so we can get to work and actually pass a bill that improves the lives of our citizens.

Mr. NEAL. Madam Speaker, I am pleased to yield 1½ minutes to the gentlewoman from Florida (Mrs. MURPHY).

Mrs. MURPHY of Florida. Madam Speaker, every American should have affordable access to doctor care, hospital care, and prescription drugs. This is important in normal times and vital during a pandemic.

Before COVID, Florida had one of the worst uninsured rates in the country. That is because State leaders refused to expand Medicaid, placing politics over public health. It is also because many Floridians chose not to buy a marketplace plan because they couldn't find an affordable option.

COVID has made a bad situation worse. In Florida, cases, hospitalizations, and deaths are rising sharply. Millions of workers have lost their jobs and their employer-sponsored health coverage.

Passage of this bill would make an immediate difference in the lives of my constituents who are really struggling. The bill would encourage Florida and other holdout States to expand Medicaid by having the Federal Government pay nearly the full cost. It would make exchange coverage more affordable, reducing premiums and deductibles. It would lower the cost of prescription drugs, which are far too high.

Finally, it would guarantee that no American can be denied coverage because of a preexisting condition. This protection is even more important than ever since there is a risk that insurers could classify a COVID–19 diagnosis as a preexisting condition.

I strongly support this bill and urge its passage.

Mr. BRADY. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. ARRINGTON), a member of the Ways and Means Committee.

Mr. ARRINGTON. Madam Speaker, at a time when our Nation is reeling from an unprecedented public health crisis and our fellow Americans are struggling just to survive, the Democrat leadership is wasting precious time on yet another partisan messaging bill.

This legislation is going nowhere, and my friends on the other side of the aisle know it. The name Patient Protection and Affordable Care Enhancement Act is no such thing. It is the protecting ObamaCare act. It is the pretend we are legislating under the guise of partisan messaging act. It is the perpetuate the broken promises of ObamaCare act. It is empty; it is devoid; it is going nowhere. We are wasting time in this national crisis.

If it did pass, it would take flexibility and responsibility from States. It would coerce States to expand Medicaid—a flawed Medicaid system, I might add—and it would allow for these monies to be used on abortion, which is a nonstarter. We know it is not serious when that is in there. That is a poison pill.

Madam Speaker, I encourage my colleagues to stop wasting the American people's time, and let's get back to governing this great Nation.

Mr. NEAL. Madam Speaker, I yield 2 minutes to gentlewoman from California (Ms. JUDY CHU).

Ms. JUDY CHU of California. Madam Speaker, last week, as COVID–19 cases continued to spread, even reaching historic highs, and as the number of Americans killed by this virus rose well above 100,000, Donald Trump asked the Supreme Court to strike down the entire Affordable Care Act. If Trump and Republicans got their way, millions of Americans would immediately lose their health insurance in the middle of a pandemic, with no alternative available.

Ending the ACA is life-threatening, especially as we battle COVID–19. That is why I am proud to support the Affordable Care Enhancement Act. This bill would build on the success of the ACA by expanding tax credits to ensure more Americans have access to health insurance, not fewer. And it expands eligibility for these credits so that Dreamers can access affordable healthcare as well, something we know will benefit entire communities.

The coronavirus does not discriminate, and neither should we.

Critically, this bill undoes the Trump administration's expansion of junk insurance plans, which offer minimal coverage and leave patients with massive bills when they do get sick; because, while access to healthcare is essential, it must be affordable.

That is why it is so important that this bill also includes language from H.R. 3, the Elijah Cummings Lower Drug Costs Now Act. This will lower prescription drug prices by allowing the government to negotiate for those prices, bringing our prescription drug prices in line with what they cost overseas.

This bill puts the health of the American people first when we need it most. I am proud to support this legislation, and I urge my colleagues to vote ''yes.''

Mr. BRADY. Madam Speaker, I yield 3 minutes to the to gentleman from Louisiana (Mr. SCALISE), the Republican whip.

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Mr. SCALISE. Madam Speaker, I think we all remember: If you like what you have, you can keep it. Remember that phrase? Probably the most broken promise in political history.

Millions of people lost the good healthcare that they liked because Washington bureaucrats came in and said not ''if you like what you have, you can keep it,'' but ''if Washington likes what you have, you can keep it.'' And they took it away.

After that, you still see, years later, they are trying to pull more people out of the private insurance market who actually like what they have, and say, ''Get back on this.''

If it works so well, by the way, Madam Speaker, wouldn't people be going in droves to it? In fact, it works so poorly that, under this bill, they have to bribe you with over $400 billion more in taxpayer money.

That is how much this costs, more than $400 billion to take you off the private health insurance that you like. This is free market. If you don't like it, you can go somewhere else. But most people like their private health insurance, so they are going to push them onto this at the expense of over $400 billion.

If that isn't bad enough, Madam Speaker, what else do they do? They pay for it—get this—by limiting the amount of drugs that will come to market. Yes. The Council of Economic Advisers has advised ''as many as 100 fewer drugs entering the United States market over the next decade, or about one-third of the total number of drugs expected to enter the market.''

Can you believe this? In the middle of a global pandemic, when we are trying and rushing to find a cure and a vaccine for COVID–19, they are going to bring a bill to the floor to stop drugs from coming to the market, over 100 of them.

Let's read more. This ''would reduce Americans' average life expectancy by about 4 months.'' My God, what are we doing, bringing a bill to the floor right now when we are trying to find a cure that will make it harder to find a cure? All to push more people, including wealthy people who would be eligible under the bill that already have private insurance, onto a heavily taxpayer-subsidized program that has been failing under its own weight, failing so much they need to add $400 billion to try to entice you to take it and, in the process, limit the ability to bring life-saving drugs, like a cure for COVID–19, to the market.

This is absurd. This is psychotic that we are even debating this right now. We should be focusing on helping expedite a cure, not making it harder to bring that very cure for COVID–19 to the market.

Madam Speaker, I would strongly urge a ''no.''

Mr. NEAL. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. GOMEZ).

Mr. GOMEZ. Madam Speaker, first, I want to remind my colleagues from the other side of the aisle that this President has attempted to get rid of, to eliminate, the Affordable Care Act, ObamaCare, over and over and over again. So when you pretend to care about expanding healthcare or taking care of people who don't have healthcare, it seems a little hollow to me.

That is why I am proud to stand up here to support the Patient Protection and Affordable Care Enhancement Act because it would invest in working families by expanding affordability, strengthening consumer protections, and increasing coverage. And there is a lot to like in this bill.

For the first time ever, under this legislation, doctor recipients would be

eligible for help with their premiums for plans they purchased under Covered California or HealthCare.gov.

For DACA recipients, home is here. Many of them have been working as first responders and frontline health providers during the pandemic, and they should have affordable healthcare like any other American.

Madam Speaker, I would like to thank Chairman NEAL for working with me on this important provision.

Second, this bill makes changes so that Medicaid more effectively serves its patients.

For instance, under the legislation, Medicaid enrollees would have better access to primary care physicians, and they won't lose their healthcare coverage just because of small fluctuations in their income over the course of a year.

Forty-seven percent of my congressional district is enrolled in Medicaid or Medi-Cal, so these provisions are crucial.

Last, this bill makes healthcare more affordable by increasing subsidies for working families on the marketplace. This provision is similar to the Healthcare Affordability Act of 2019 that I introduced with Congresswoman LAUREN UNDERWOOD. This is a historic step.

The Affordable Care Act was a big step, but it is not done. We are going to keep pushing, and we are not going to negotiate with the other side of the aisle that keeps trying to eliminate and roll back protections and affordable healthcare for millions of Americans.

Mr. BRADY. Madam Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. WENSTRUP), a leader on the Ways and Means Committee.

Mr. WENSTRUP. Madam Speaker, I thank the gentleman from Texas for yielding and for his leadership.

Madam Speaker, I rise today in opposition to this bill.

I grew up watching a show called ''Medical Center'' as a kid. It led me to wanting to become a doctor because I wanted to help people.

After I graduated and completed my surgical residency, I owned a small practice with two employees. Eventually, I merged with a larger provider group, in part because the administrative burdens of complying with new laws and regulations were just too costly for my solo practice.

That wasn't the end, though. Costs continued to rise, and my physician-owned surgery center was ultimately sold to a local hospital. Medicare reimbursement rates nearly doubled overnight, including an increase in patient co-pays.

When I got to Congress, I joined the GOP Doctors Caucus, and I am now proud to serve as the vice chair. Most of us in the Doctors Caucus agree that one of the reasons we came to Congress is because of the mountains of red tape, red tape involved in practicing medicine that has killed much of the joy of providing care to patients.

Now, the bill we are debating today is another perfect example of an attempt to expand Big Government, making it harder on the medical community. In this case, it is patients who rely on prescription drugs who stand to lose the most.

In the midst of the COVID–19 outbreak and responses, we rush toward finding treatments and a vaccine. My colleagues on the other side of the aisle want to pass a bill that will result in fewer cures for Americans in need.

That is right. The CBO analysis concluded that this bill would result in fewer cures coming to market to help the American people. Drug manufacturers that may feel government isn't willing to pay a reasonable price for their product would have their revenue taxed at astronomical rates, essentially coercing the drugmaker into submission or cease to exist.

The reason America leads the world in producing new medicines is because we allow competition, competition to drive innovation.

Right now, Congress needs to be fostering innovation through competition, not imposing one-size-fits-all Washington mandates that accomplish just the opposite.

We have already proven that we can do some work together. Last year, the Ways and Means Committee marked up a bipartisan drug-pricing legislation bill only to have it die because of partisan leadership. I know the Energy and Commerce and Judiciary Committees have done the same. Let's debate and find compromise on that legislation, which actually stand a chance of becoming law.

I urge my friends on the other side of the aisle to work with us on bipartisan legislation that would result in finding more cures for the American people because cures save money and save lives. I oppose this legislation.

Mr. NEAL. Madam Speaker, I yield 2 minutes to the gentleman from Nevada (Mr. HORSFORD).

Mr. HORSFORD. Madam Speaker, I rise today in support of the Patient Protection and Affordable Care Enhancement Act.

In the middle of the historic health and financial security crisis of the coronavirus pandemic, especially in my home State of Nevada that has suffered the most debilitating economic impact, affordable healthcare is now more important than ever.

Last week, in the middle of this COVID–19 crisis, President Trump petitioned the Supreme Court to strike down every last protection and benefit of the Affordable Care Act. On Friday, I learned that such a ruling would cost 23 million Americans, including 309,000 Nevadans, to lose their health insurance.

There is no excuse for this cruelty ever. But it is truly unconscionable at a time when over 100,000 Americans have lost their lives to a virus that we have yet to curb completely. When access to quality healthcare could be the difference between life and death, we should be building on the Affordable Care Act to lower health costs, not ripping away every last benefit.

With all due respect to my colleagues on the other side who keep saying this bill has no chance in the Senate, who do you work for: MITCH MCCONNELL or the American people? My constituents elected me to do my job, and that is to fight for their healthcare.

Madam Speaker, I fully support the Patient Protection and Affordable Care Enhancement Act because we need to do more to provide affordable healthcare and bring down the rising costs of prescription drugs.

This bill does that, and I urge my colleagues to join us. Do your job today.

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

I have here a host of letters in opposition to this dangerous legislation, one signed by more than 40 State and regional life science organizations and another signed by over 130 small biotech companies, many of whom are currently working to develop COVID–19 therapies and vaccines. In these letters, they emphasize that this bill will deter badly needed investment that will harm their ability to manufacture and produce therapies and cures for American families.

Madam Speaker, in the midst of a pandemic, we just heard a question: Why do we oppose this bill? In the midst of a pandemic where countless lives will depend upon the development of these new cures, this cannot happen on our watch. We will not stand idly by.

Madam Speaker, I include in the RECORD the letters, and I reserve the balance of my time.

OCTOBER 16, 2019.

Hon. MITCH MCCONNELL,
Majority Leader, U.S. Senate,
Washington, DC.
Hon. CHARLES SCHUMER,
Democratic Leader, U.S. Senate,
Washington, DC.
Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.
Hon. KEVIN MCCARTHY,
Republican Leader, House of Representatives,
Washington, DC.

DEAR SENATE MAJORITY LEADER MCCONNELL, SENATE DEMOCRATIC LEADER SCHUMER, HOUSE SPEAKER PELOSI, AND HOUSE REPUBLICAN LEADER MCCARTHY: As state and regional life sciences organizations across the country, all dedicated to supporting the development and delivery of innovative life-enhancing and life-saving products, we write to express our strong concerns about recent legislative proposals that seek to introduce international reference pricing and foreign price controls as a strategy to reduce prescription drug costs. We are gravely concerned that such polices will consequentially threaten patient access and choice and cede America's global leadership in biomedical innovation.

At the outset, we underscore our appreciation for the bipartisan and bicameral efforts underway to provide relief to patients from unaffordable out-of-pocket costs for prescription drugs. This is a critical challenge for our nation, and we are committed to being

part of the solution to address it, while also ensuring that incentives still exist to spawn future innovation. However, we are deeply concerned by proposals by some in Congress to introduce price controls, particularly foreign reference pricing, into government and private healthcare programs. These proposals are concerning for states and regions of the country with established life sciences communities, as well as for emerging biomedical innovation ecosystems working to attract capital investment and support entrepreneurship to build the companies and therapies of the future. Most importantly, they would be devastating for those patients hoping for medicines to treat serious, life-threatening diseases.

For example, 96 percent of new cancer drugs are available in the U.S., at an average delay of 3 months. By comparison, Japanese patients have access to 50% of new medicines and wait on average 23 months. German and Canadian patients wait four times longer, French patients wait six times longer. None of these countries even approach the access to new therapies that our patients have. Should the U.S. implement foreign price controls, patient choice and access to the full range of life-saving therapies would undoubtedly be threatened.

Proposals to implement foreign price controls also put at risk the U.S.'s world-leading innovative biopharmaceutical sector that has created nearly one million jobs across all 50 states and represents a large portion of our nation's Gross Domestic Product (GDP)—generating an economic output of approximately $1.3 trillion annually. As a sector that already takes on extraordinary risks and significant investments with the hope that a few will eventually become the next life-saving treatment for patients, the looming potential of foreign price controls brings a threat that risks the support of future investment.

It is also important to remember that the overwhelming majority—over 80 percent—of biopharmaceutical innovators in the US are small, start-up, pre-revenue companies without a single product yet on the market. A recent report by IQVIA showed that emerging biopharmaceutical (EBP) companies account for over 70 percent of the total late-stage R&D pipeline and were responsible for almost two-thirds of the patents for new drugs launched in 2018. These mostly pre-revenue companies without a product on the market are the ones to be most affected by fluctuations in investment caused by the political and public policy environment.

The recent actions taken by the Administration and Congress on drug pricing are seen as extremely threatening by the life sciences sector, and we are therefore concerned that the proposed foreign price controls policies will scare investment away from life sciences investment, and towards other industry sectors that pose far less risk. If price controls as proposed are implemented it may reduce drug pricing in the short term, but it will certainly result in significantly reduced innovation and severely restricted access to life-saving medicines.

On behalf of the US's innovative life sciences community, we urge you to reject any efforts to undermine America's global leadership in biomedical innovation through international reference pricing or other price controls. Patients deserve access to and choice of the lifesaving therapies of today and tomorrow. As you move forward, we stand ready to work with you to consider alternative proposals that will propel American innovation forward and deliver affordable, accessible and innovative therapies for patients who need them.

Sincerely,

Alabama: BIO Alabama.

Arizona: Arizona Bioindustry Association, Inc. (AZBio).

California: California Life Sciences Association—CLSA, BIOCOM, SoCalBio.

Colorado: Colorado BioScience Association.

Connecticut: BioCT.

Delaware: Delaware Bioscience Association (Delaware BIO).

Florida: BioFlorida.

Georgia: Georgia BIO.

Illinois: Illinois Biotechnology Innovation Organization (iBIO).

Indiana: Indiana Health Industry Forum (IHIF).

Iowa: Iowa Biotechnology Association (IowaBio).

Kansas: Bio Kansas.

Kentucky: Kentucky Life Sciences Council.

Louisiana: Louisiana BIO.

Maryland: Maryland Technology Council.

Massachusetts: MassBio.

Maine: Bioscience Association of Maine (BioME).

Michigan: Michigan Biosciences Industry Association (MichBio).

Minnesota: Medical Alley Association.

Missouri: Missouri Biotechnology Association (MOBIO).

Montana: Montana Bioscience Association.

Nebraska: Bio Nebraska.

Nevada: The Nevada Biotechnology and Life Science Association.

New Jersey: BioNJ, HealthCare Institute of New Jersey (HINJ).

New Mexico: NMBio.

New York: New York BIO.

North Carolina: North Carolina Biosciences Organization (NCBIO).

North Dakota: BioScience Association of North Dakota.

Ohio: BioOhio.

Oregon: Oregon Bioscience Association (Oregon BIO).

Pennsylvania: Life Sciences Pennsylvania (LSPA).

South Carolina: SCBIO.

South Dakota: South Dakota Biotech.

Tennessee: Life Science Tennessee.

Texas: Texas Healthcare and Biosciences Institute (THBI).

Utah: BioUtah.

Virginia: VirginiaBio.

Washington: Life Science Washington.

West Virginia: Biosciences Association of West Virginia.

Wisconsin: BioForward Wisconsin.

Puerto Rico: Industry-University (INDUNIV) Research Center Inc/Bio Alliance Puerto Rico.

Mr. NEAL. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. SUOZZI).

Mr. SUOZZI. Madam Speaker, I rise today in strong support of H.R. 1425, the Patient Protection and Affordable Care Enhancement Act.

Madam Speaker, the Democrats have been debating internally over the past couple of years: What is the best way to reduce healthcare costs? What is the best way to provide more access to people? What should we be doing?

Some people push for Medicare for All. People like myself say: Let's build upon the Affordable Care Act. Let's try and figure out how we can provide more access and reduce drug costs. That is what we are doing here today.

Meanwhile, our Republican colleagues are continuing to hurtle down a dark and misguided path to take away coverage from almost 20 million Americans in the middle of the worst economic and health crisis we have had in almost a century.

I am mystified by the strategy of my colleagues on the other side. What are they thinking?

Now, they say that they want to protect people with preexisting conditions. In fact, the President tweeted over the weekend, saying he will always protect people with preexisting conditions. And I have heard colleagues of mine in the Ways and Means Committee say: We are convinced. We know now that we have to protect people with preexisting conditions.

Yet, what do they do? Not what they say, what do they do? Their policies don't match their rhetoric.

In 2017, they tried to repeal the ACA altogether, which would take away people's preexisting conditions protections. Now, in the midst of a pandemic that has already killed 130,000 Americans, this administration and the Republicans are pursuing a lawsuit to actually undo the Affordable Care Act. That will get rid of preexisting conditions protections. It doesn't make any sense.

Prescription drugs, the President said during his campaign and thereafter, when talking about Big Pharma, he said that these guys are getting away with murder. We should be negotiating prescription drug prices. Yet, we have passed the bill before. We are doing it again today, to actually negotiate prescription drug prices, and they are opposing it once again, and they are not doing anything to try to negotiate prescription drug prices.

Today, Democrats are, once again, taking steps to reduce premiums, lower drug prices, and expand coverage.

Madam Speaker, I urge my colleagues on both sides of the aisle to support this bill.

Mr. BRADY. Madam Speaker, I yield myself 30 seconds.

Madam Speaker, just a quick fact check, because you know the Republican Congress in 1996 enacted the first comprehensive protections for preexisting conditions, which cover, today, 275 million Americans who are not affected by the lawsuit. There is simply too much fear-mongering and bad information in this debate.

Madam Speaker, I reserve the balance of my time.

Mr. NEAL. Madam Speaker, I yield 1 minute to the gentlewoman from Chicago (Ms. SCHAKOWSKY).

□ 1230

Ms. SCHAKOWSKY. Madam Speaker, I thank the chairman for yielding to me.

I would think that my colleagues on the other side of the aisle, the Republicans, would get tired of trying to take healthcare away from Americans, particularly right now.

The Patient Protection and Affordable Care Enhancement Act would actually make such incredible improvements and make healthcare more affordable, but, no.

The bill includes the No More Narrow Networks Act that I actually introduced that would ensure that consumers can access more comprehensive, equitable, and timely healthcare within their own insurance network now. It also includes the Protecting Consumers from Unreasonable Rates Act and allows the Federal Government to help lower prices when those rates, those premiums are too high.

This is a great bill. You should be for this.

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

Madam Speaker, Republicans support children, seniors, and patients with preexisting conditions. A Republican Congress created the popular Children's Health Insurance Program that millions of families rely on today.

A Republican Congress created the prescription drug program and Medicare to help seniors get the medicine they need, and every Democrat and Speaker PELOSI tried to kill that bill.

A Republican Congress created the Medicare Advantage program that serves 20 million seniors in America.

And a Republican Congress created the first law that established protections for patients with preexisting conditions that covered 275 million Americans today regardless of this ACA lawsuit.

We want people to have access to quality, affordable healthcare that fits their needs, not Speaker PELOSI's. We also support cures now for serious and life-threatening diseases that plague so many families and our loved ones. Eliminating the hope for those cures is why this bill is just so dangerous.

Let me also be clear about what isn't in this bill, Madam Speaker. We have heard a lot today from my friends on the other side of the aisle bemoaning the Trump administration's effort to root out unconstitutional laws while committing to protect people with preexisting conditions.

The Democrats could end this uncertainty now. They are in charge of the House. Bring to the floor a measure Republicans support that sever the individual mandate from the rest of the ACA. Bring to the floor a legislative fix for your unconstitutional law. Bring to the floor certainty for all Americans, especially those with preexisting health conditions.

But House Democrats won't do that. No, they find the political fear-mongering to be too potent an election-year weapon. So we continue this charade.

Let me state it all again for all to hear: Republicans support protections for those with preexisting conditions. We wrote the law that protects 275 million Americans today. And we warned Democrats about this unconstitutional law, and we knew it would get struck down in court.

But we cannot have a healthy society, we cannot protect all Americans, if we don't have access to lifesaving cures. As we continue to fight COVID–19, what are you thinking? Why are we destroying the incentives for new medicine and cures? We ought to be doing all we can to accelerate medical innovation, not destroy it in this bill.

Democrats would force patients to choose between affordable medicines and lifesaving cures for Alzheimer's ALS, Parkinson's, diabetes, or cancer. That is a false choice. And we are not talking about just a few cures for some very rare diseases, we are talking about up to 100 cures, dozens lost.

Our country is in a time of uncertainty. Millions are unemployed. States still have deep restrictions in place. For folks who are relying on short-term limited plans for this period of uncertainty, why do Democrats propose to make their lives harder?

I oppose this dangerous bill and urge everyone to oppose it.

Madam Speaker, I yield back the balance of my time.

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

Madam Speaker, this is very sensible legislation. It builds upon the Affordable Care Act. It keeps the protections of preexisting conditions. It makes the children's healthcare initiative permanent. But most importantly, it expands the opportunity.

I am going to reiterate something I said earlier about the experience we have had in Massachusetts with the Affordable Care Act. 100 percent of the children in Massachusetts have health insurance. Ninety-seven percent of the adults in Massachusetts have health insurance, and it polls in the high seventies in terms of consumer satisfaction. It was the experiment that worked.

We should be expanding healthcare opportunities for members of the American family, not trying to deny them. We shouldn't be filing a lawsuit in front of the Supreme Court suggesting that we should do away with the Affordable Care Act.

Last point, and I mean this very sincerely, as long as I have been in this House, Republicans have never agreed amongst themselves on health insurance, never mind trying to find an agreement with us. They have always disagreed sharply about the role of government in health insurance. So before they give us a lecture on how this ought to proceed, perhaps they could offer a competing plan that has never happened in my time in Congress.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. LURIA). All time for the Committee on Ways and Means has expired.

The gentleman from Virginia (Mr. SCOTT) and the gentlewoman from North Carolina (Ms. FOXX) each will control 30 minutes.

The gentleman from Virginia is recognized.

Mr. SCOTT of Virginia. Madam Speaker, I yield myself 3 minutes.

Madam Speaker, I rise in support of the Patient Protection and Affordable Care Enhancement Act.

As we continue to confront the worst public health emergency in recent history, our first priority must be to protect the health and safety of the American people. But during this pandemic, millions of people have lost their jobs and, regrettably, in America when you lose your job you frequently lose your health insurance.

Based on the job losses in March and April alone, experts estimate that over 26 million people across the country have lost their job-based health insurance.

With so many workers looking to turn to the Affordable Care Act marketplaces for healthcare, we must be building on the progress we have made to expand access to affordable coverage. This is exactly what this bill does.

For example, as my colleagues have noted, under this proposal, no person would pay more than 8.5 percent of income on benchmark silver plans through the marketplace. Moreover, we fix the so-called family glitch, a technical problem that prohibits families from getting affordable coverage, and we make that affordable coverage available for millions of working families.

The legislation will also provide incentives to expand Medicaid so that low-income families across the country will have coverage regardless of where they live.

It builds on existing patient protections by reversing the Trump administration's expansion of short-term so-called junk health plans, which discriminate against patients with preexisting conditions and are not required to cover essential health benefits.

These plans raise costs for everybody not in a plan and then abandon the patients when they get sick and actually need coverage.

Finally, the Patient Protection and Affordable Care Enhancement Act would save money for workers and employees by cutting the cost of prescription drugs and bringing them in line with the cost people in other countries pay.

And when they talk about the loss in investments and research, listen very carefully because they are saying that reducing the cost of prescription drugs is a bad thing. And second, they are talking about a previous version of the bill.

In this version of the bill we have an amendment in here that puts more money into research and NIH, so that those investments will continue to get made.

In contrast, the Trump administration has continued to aggressively pursue the Texas v. United States lawsuit. Just last week, the Department of Justice filed briefs urging that the Supreme Court overturn the Affordable Care Act.

If that suit is successful, all of the benefits of the ACA will be lost. Tens

of millions of people will lose insurance. People with preexisting conditions will lose their protections. Affordability credits will evaporate. Consumer protections will be lost. This will happen in the middle of a public health emergency.

And for all those on the other side that say that the Affordable Care Act has problems, and they have a replacement, remember what the CBO said.

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

Mr. SCOTT of Virginia. Madam Speaker, I yield myself an additional 1 minute.

Remember what the CBO said about the bill that the Republicans passed when they had the majority a few years ago. They said the costs would go up 20 percent the first year, 20 something million fewer people would have insurance, people with preexisting conditions would lose their insurance, and the insurance you get is worse than what you got.

We can't afford to take this major step backwards in our efforts to put quality insurance within the reach of all Americans, and this is why I urge all of my colleagues to support the Patient Protection and Affordable Care Enhancement Act so that we can strengthen the ACA and ensure millions of Americans will have access to better health insurance than they have now and certainly better than they would have if this lawsuit is successful.

Madam Speaker, I reserve the balance of my time.

Ms. FOXX of North Carolina. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in opposition to H.R. 1425, the so-called Patient Protection and Affordable Care Enhancement Act, the latest in a series of attempts by House Democrats to score cheap political points at the expense of hardworking taxpayers.

And speaking of scoring cheap political points, I think most of my colleagues and I are tired of having words put in our mouths that aren't there. We do not oppose reducing the cost of drugs. We want that. We don't believe it is a bad thing.

At a time when Congress should be united in our continued fight against the novel coronavirus and ensuring the country can reopen safely, we are instead here today debating a bill that amounts to nothing more than political posturing. Rather than solve any pressing healthcare problems, including the Nation's response to the COVID–19 pandemic, this misguided legislation will limit healthcare options for patients, contribute to already skyrocketing healthcare costs, and double down on the many failures of the Affordable Care Act or the ACA.

As the Republican leader of the Committee on Education and Labor, I am committed to improving and enhancing employer-sponsored healthcare options for American workers and their families.

Yet today, we are debating legislation that would enlarge ObamaCare even further by providing subsidies for some of the wealthiest Americans, providing a blank check bailout for insurance companies, strong-arming States into expanding Medicaid, and eliminating lower cost healthcare options like short-term, limited-duration insurance plans.

Short-term insurance plans offer healthcare options for Americans who might find themselves between jobs or unable to afford rising premiums in the already expensive individual market. What is astonishing to me is that Democrats conveniently failed to mention that these short-term, limited-duration plans were legal under the Obama administration and that States still have the authority to regulate these plans.

As Republicans, we believe in federalism. If States choose to limit or prohibit the sale of these plans, they are free to do so. Instead of respecting the judgment of State lawmakers and local authorities to act in their States' and constituents' best interest, House Democrats are doubling down on a one-size-fits-all Federal mandate.

As we have seen over and over again, Washington-knows-best requirements simply do not work. In the case of the ill-advised legislation before us today, Federally dictated policies will only lead to fewer choices and higher premiums.

Additionally, House Democrats have missed the mark with H.R. 1425 when it comes to COBRA notices for millions of workers.

While there is room for improvement in this area, such as increasing transparency and allowing consumers to decide which plans work best for them, Democrats are instead blocking consumer access to information about other forms of valued coverage options outside of the ACA.

□ 1245

Just when you thought it couldn't get worse, the blatantly political bill we are considering today incorporates Speaker PELOSI's socialist drug-pricing scheme to cover up the hundreds of billions of dollars this government healthcare expansion would cost American taxpayers.

The rising costs of prescription drugs is an issue that resonates with everyone in this Chamber. Seventy percent of Americans consider reducing the price of prescription drugs to be a top priority, and they are looking to us, their elected representatives, to get the job done to get drug prices under control.

That is why Congress started a collaborative effort and bipartisan process last year to tackle this issue. Unfortunately, this bipartisan collaboration was abruptly cut short by Speaker PELOSI's introduction of H.R. 3, which was written in secret without Member input or the regular committee process.

Lowering drug costs should not be a partisan issue, yet the underlying partisan, socialist provisions in H.R. 3 are included in the legislation before us today.

Democrats are well aware that H.R. 3 will never become law. Senate Majority Leader MITCH MCCONNELL has said it will go nowhere in the Senate, and President Trump has said he will veto the bill if it comes to his desk.

Still, House Democrats continue to waste time during an unprecedented health and economic crisis on legislation that will die after House passage.

Their socialist drug-pricing scheme is nothing more than a leftwing down-payment on a government-run healthcare system that would eliminate private insurance and implement government-controlled rationing of prescription drugs.

As I have said many times before, governments don't negotiate; they dictate. The Democrats' radical drug-pricing scheme will eliminate choice and competition and jeopardize innovation, investment, and access to future cures. And we are considering this at a time when we are in the process of developing treatments and a vaccine for COVID–19.

This type of unprecedented government interference in private market negotiations and substantial increase in regulatory red tape proves one thing: The Democrat Party is being held hostage by their most radical leftwing Members.

The American people deserve better from Congress than the socialist drug-pricing scheme in the bill before us today. They deserve a real solution that will lower the cost of prescription drugs without jeopardizing access to new treatments and cures.

That is why House Republicans have introduced H.R. 19, the Lower Costs, More Cures Act. This bill contains bipartisan, bicameral measures, and it can become law this year. Specifically, H.R. 19 will help lower out-of-pocket costs, protect access to new medicines and cures, strengthen transparency and accountability, and champion competition.

Yet, House Democrats are ignoring this bipartisan, commonsense legislation. Clearly, they prefer politics over progress.

Madam Speaker, I am deeply disappointed that we are here today debating yet another partisan ploy from my colleagues on the other side of the aisle. There are bipartisan solutions to many pressing issues at our fingertips, including continuing to fight the COVID–19 pandemic, but Speaker PELOSI and her Democrat colleagues continue to turn their backs on bipartisan legislation to help the American people, and that is truly shameful.

Madam Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. SHALALA), a distinguished member of the Committee on Education and Labor, and

the former Secretary of the United States Department of Health and Human Services.

Ms. SHALALA. Madam Speaker, I rise today in support of H.R. 1425, the Patient Protection and Affordable Care Enhancement Act.

Our country is facing multiple interwoven catastrophes: a global pandemic, an economic crisis, and a reckoning over the denial of racial justice. Our job as Congresspeople is to help the American people through these trying times. This bill does just that, and the time to pass it is long overdue.

Madam Speaker, my district has the highest enrollment in the Affordable Care Act's marketplaces, with more than 100,000 people getting their health insurance from the ACA. My constituents are likely to have never had health insurance before the Affordable Care Act became law, but there still are at least another 120,000 people in Miami-Dade County who do not have access to health insurance because my State, the State of Florida, has refused to expand Medicaid.

This bill will take critical steps to improve and expand the ACA and lower drug costs. It requires the Secretary of HHS to negotiate with drug manufacturers for affordable drugs for all Americans, a power I would have loved to have had when I was Secretary. It does exactly what the President asked for during his campaign. This provision alone will save Medicare $448 billion.

Other critical provisions include expanding tax credits deeper into the middle class so that everyone can get affordable, comprehensive health coverage.

My constituents are worried about their jobs, their loved ones, their healthcare, and their country. Let's help them not worry about how they will pay for critical healthcare if they get sick.

Ms. FOXX of North Carolina. Madam Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. KELLER).

Mr. KELLER. Madam Speaker, I urge my colleagues to join me in opposing H.R. 1425.

While we can all agree that Americans pay too much for healthcare and that the rising costs of prescription drugs need to be addressed, this bill is not the answer.

The COVID–19 pandemic has affected each of our communities in different ways. We need to remain focused on helping our constituents reopen their businesses, get back to work, and remain protected from the virus. This bill does none of these things.

Once again, we are wasting the American people's time debating something that will harm the healthcare system, move us toward socialized medicine, and provide fewer cures.

This is especially troubling as it is at odds with the Trump administration's steadfast goal of finding treatments and a vaccine for COVID–19, as well as protecting Americans from future pandemics.

Just like H.R. 3, this bill irresponsibly coerces drug manufacturers into negotiating drug prices with the government, slapping a 65 percent tax on revenue if they don't come to terms, which increases to as much as 95 percent.

In any negotiations that I have been part of, that is not how it works.

In fact, according to the analysis done by the Congressional Research Service, letting the government set drug prices would violate both the Fifth Amendment's Takings Clause and the Eighth Amendment's Excessive Fines Clause.

Before the pandemic, I traveled across Pennsylvania's 12th Congressional District and met with patients and medical professionals, who have told me that the best way to address rising prescription drug costs include patent reform to get generics to market quickly, price transparency so consumers know the actual cost of the medication they are purchasing, and incentivizing innovation to help find new cures.

Rather than working toward fixing the disaster that has been brought about on the healthcare industry by ObamaCare, this bill expands its flawed structure and attempts to force non-Medicaid expansion States into complying with the radical fantasy that resembles socialized medicine.

There has been bipartisan work on healthcare reform, like H.R. 19, which Republicans put forward last year. If the majority were more interested in finding real results, they might have engaged with us in real discussions to find common ground. We are interested in lower prices, more cures, and a healthier healthcare marketplace.

Unfortunately, this legislation continues us down the wrong road. For these reasons, Madam Speaker, I oppose H.R. 1425 and urge all others to do so.

Mr. SCOTT of Virginia. Madam Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. DAVIS), the chair of the Subcommittee on Higher Education and Workforce Investment.

Mrs. DAVIS of California. Madam Speaker, I thank the chairman for yielding.

Usually, one's healthcare is not top of mind, until it is. This, Madam Speaker, is one of those times.

We have to protect people's healthcare, men and women, whether it is battling the coronavirus, finding a cure for cancer, or even birth.

Currently, Medicaid covers women for only 60 days postpartum, but life-threatening complications from pregnancy, as we all know, can continue much longer.

These illnesses don't follow the calendar. Regulations, of course, must align with reality.

This needs to be changed. Fortunately, this bill would extend Medicaid coverage to a year postpartum and provide women with critical coverage to help detect, diagnose, and treat potentially fatal complications.

By ensuring better health awareness from the beginning, we can ensure that all babies are protected and cared for as they grow.

When our Nation is facing a health crisis, the logical reaction should be to strengthen healthcare, not to weaken it.

We need to secure these smart policies to protect future Americans from the start.

Madam Speaker, I urge my colleagues to support the Affordable Care Enhancement Act.

Ms. FOXX of North Carolina. Madam Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. MURPHY).

Mr. MURPHY of North Carolina. Madam Speaker, I rise today in opposition to H.R. 1425.

To be honest, I am a little bit baffled. We are in the midst of a global pandemic the likes of which this world has not seen in over 100 years, but sadly enough, my Democratic colleagues think it is a good idea to pass a law that would handcuff the ability of industry to create a vaccine and medicines to fight this disease.

Are you kidding me?

The price controls and regulations proposed in this bill completely eliminate any incentive for these drug developers to spend money to invent new drugs. Can you imagine any company, pharmaceutical or not, being taxed at the rate of 65 to 95 percent of what they make?

We need the next remdesivir or dexamethazone to save people's lives, and such policy would not allow this to happen.

What has happened in the past because of overregulation of industry in the U.S.? These companies have left the U.S. and gone where? Gone to China. How has that worked out for us during this pandemic? China has thus had a stranglehold on this Nation when it comes to the drugs that we need.

At a time of national consensus that we need to purchase fewer drugs from China, the Democrats want to ensure that more of them are developed there and that we have to respond to them. This is insanity.

Madam Speaker, make no mistake: I absolutely do agree that the costs of drugs in this country are too high. I am a physician. I still practice. I still see patients when we are back in our districts, and this is their number one complaint. But there are bipartisan and commonsense measures that we can implement to decrease the cost of drugs.

Like I have said many times before, if we want to lower the cost of drugs, we need pharmacy benefit manager reform. We are the only country in the world that allows these middlemen to drive up costs. They cost this Nation over $800 million a year in unnecessary drug costs.

This is a bipartisan and commonsense reform, rather than this nonsense

legislation, that we can work on together to decrease the cost of drugs.

Mr. SCOTT of Virginia. Madam Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. COURTNEY), a distinguished member of the Committee on Education and Labor.

Mr. COURTNEY. Madam Speaker, today, we vote on this bill that improves the Affordable Care Act by cutting the cost of healthcare for families at an unprecedented, anxious time in American life.

More than 2.5 million Americans have been diagnosed with COVID–19. In the insurance world, that means millions more with a preexisting condition.

Astonishingly, in the midst of this healthcare emergency, when we should be protecting coverage, the Trump administration, last week, asked the Supreme Court to strike down the entire ACA.

If Mr. Trump has his wish, those 2.5 million Americans, along with 130 million others with preexisting conditions, will lose the landmark pro-patient protection that has been on the books for the past 10 years, namely, the right to health coverage even if you have been sick before and the confidence and serenity to know that you won't be charged more because of an illness in your past.

It is right there on the first page of the ACA, section 2704: ''Prohibition of preexisting condition exclusions or other discrimination based on health status.''

Yet, the administration in its brief filed with the U.S. Supreme Court a few days ago says: ''The entire ACA must fall.'' That is a verbatim quote.

Well, Madam Speaker, if the ACA falls, preexisting condition protections fall with it, along with age-26 coverage for dependent children and the elimination of lifetime limits on health coverage, which will devastate patients with chronic illness.

□ 1300

Last night, The Wall Street Journal reported that the President once again admitted that neither he nor his Senate majority have the slightest clue what their plan is if their wrecking ball of the ACA succeeds.

Madam Speaker, during the last 4 months' avalanche of layoffs, millions of Americans have desperately reached out to their State's ACA exchanges in search of health coverage after losing job-based insurance, 54,000 just in Connecticut alone.

At this time of severe economic uncertainty when a deadly virus is ravaging communities both rural and urban, we must do everything in our power to strengthen health insurance and make it more affordable, which this bill does. To shrink from this challenge and roll back the clock on 10 years of progress would be a complete dereliction of duty.

Vote ''yes'' on this bill.

Ms. FOXX of North Carolina. Madam Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. BISHOP).

Mr. BISHOP of North Carolina. Madam Speaker, I thank the gentlewoman for yielding.

Madam Speaker, Democrats present a false choice: either support the expansion of an already-failed, government-run healthcare scheme, or let people go without healthcare. They want you to think that Republicans and the Trump administration have no ideas about how to expand coverage—not the case.

One of the first bills I introduced after joining last September was the Increasing Health Coverage through HRAs Act. My legislation would codify the Trump administration's rule allowing employers to fund health reimbursement arrangements for their employees.

Thanks to President Trump, these HRAs can now be used to purchase individual market coverage. That change is expected to lead to covering 800,000 more people, all without costly and counterproductive government mandates.

The American people want more choices, lower costs, and increased access to care, not a continued government takeover. I urge Members to vote against H.R. 1425 and for Democrats to work with Republicans on commonsense proposals like mine.

Mr. SCOTT of Virginia. Madam Speaker, I yield 1 minute to the gentlewoman from Oregon (Ms. BONAMICI), the chair of the Subcommittee on Civil Rights and Human Services.

Ms. BONAMICI. Madam Speaker, this is the 10th anniversary of the Affordable Care Act. Over the past 10 years, our country has made significant progress in improving access to affordable healthcare—despite the Trump administration's constant assault on the ACA.

Now, in the middle of an unprecedented global health crisis, the administration is in court trying to get rid of the ACA, including its critical protections for people with preexisting conditions. This threatens the health coverage of more than 20 million Americans, nearly half a million of them Oregonians.

The coronavirus pandemic has been devastating for those with underlying conditions, disproportionately harming Black and Latinx people in communities of color. We should be doing all we can to expand access to affordable healthcare for everyone, not take it away.

I strongly support the Patient Protection and Affordable Care Enhancement Act. This bill will increase coverage, lower costs, and make quality care more accessible for all.

I urge my colleagues to join me in supporting this important legislation to keep millions of Americans covered and build on the legacy of the Affordable Care Act.

Ms. FOXX of North Carolina. Madam Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. BYRNE).

Mr. BYRNE. Madam Speaker, I thank the distinguished ranking member for yielding.

Madam Speaker, to borrow a line from President Reagan: Here we go again.

In the midst of a nationwide pandemic where there is so much work we should be doing for the American people, the Democrat majority has again brought a partisan messaging bill to the floor of the House that is dead on arrival in the United States Senate.

As the majority knows, this bill includes numerous provisions that are nonstarters for Republicans in any legislation related to healthcare, including: expanding ObamaCare, no protections against taxpayer-funded abortion, the rolling back of numerous Trump administration regulations that have made health insurance more affordable, and financial penalties for States that don't expand Medicaid.

Certainly, it seems bad timing to be enacting legislation that the nonpartisan Congressional Budget Office has already confirmed will lead to fewer new drugs on the market, but the Democrats have again included their socialist prescription drug bill in this legislation.

Madam Speaker, there are real areas where we could be working together to find common ground in healthcare. There could be common ground on reinsurance.

Six months ago, Republicans suggested over 40 bipartisan prescription drug provisions we could actually enact that would encourage innovation and groundbreaking new cures and promote low-cost options for patients. We are still waiting on Speaker PELOSI to take up that package of bipartisan bills.

The truth is Democrats are not actually interested in finding solutions. They are interested in ramming political legislation through the House in an effort to influence the 2020 Presidential race and decry additional controversies for Democrat House Members to run on.

Republicans are ready to have a serious conversation about making healthcare more affordable and accessible, but just like with police reform last week, the other side is not.

The American people are ready for us to get back to working for them.

Mr. SCOTT of Virginia. Madam Speaker, I yield 2 minutes to the gentlewoman from Pennsylvania (Ms. WILD), a distinguished member of the Committee on Education and Labor.

Ms. WILD. Madam Speaker, I thank the chairman for yielding.

I rise in support of the Patient Protection and Affordable Care Enhancement Act, which builds upon the achievements of the ACA, including its coverage of an additional 20 million people.

I am glad to see that the bill includes the tenets of H.R. 3, allowing the HHS to negotiate prescription drug prices rather than continuing to pay the outrageous prices set by companies that

have long blocked competitors from the market.

With the limited time I have to speak, though, I would like to highlight my appreciation that it includes my bill, the Family Health Care Affordability Act, which fixes the family glitch in the ACA.

Under the Affordable Care Act, workers are to have access to affordable healthcare plans, defined as healthcare plans that cost no more than 9.56 percent of the employee's monthly household income. But the interpretation of ''affordable'' only looks at whether coverage is affordable to cover the employee, not whether it is affordable to cover spouses and dependents.

When factoring in the family unit, coverage can easily surpass 25 percent of household income and still be deemed affordable and block the family from marketplace subsidies. This bill fixes that and makes sure that hardworking families have access to coverage without risk of financial ruin.

I call on my colleagues to pass this important bill.

Ms. FOXX of North Carolina. Madam Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. WALBERG).

Mr. WALBERG. Madam Speaker, thanks to my chairman in exile.

Madam Speaker, I rise in opposition to H.R. 1425, the slow coronavirus cures act.

There are many problematic provisions in this bill, but, ultimately, it is yet another political ploy that will not be considered in the Senate or become law, and we don't want it to be because it is not good.

This bill is a step toward nationalizing the drug industry and opening the door to one-size-fits-all, government-controlled rationing of prescription drugs.

Governments don't negotiate; they dictate.

The radical approach taken by H.R. 1425 includes troubling and unprecedented government interference in private, market negotiations, which will eliminate choice and competition and jeopardizes innovation and access to future cures.

Countries that have adopted drug pricing systems like the one proposed in this bill face decreased access to innovative new medicines, increased wait times for treatment, and supply shortages for in-demand drugs. The bill will negatively impact investment and research and development of future treatments, putting breakthrough cures for diseases like Alzheimer's, cancer, and sickle cell disease at risk.

At a time when we have the best minds urgently working on a vaccine for COVID–19, why would we want to slow down the development of lifesaving medications? Congress should be putting in place policies to incentivize difficult research and development for these rare and devastating diseases, not discouraging it.

I stand ready to work with my Democrat colleagues and advance bipartisan legislation that would lower healthcare and drug costs without sacrificing innovation.

But that is not the bill before us today. Sadly, like last week's police reform bill, the majority is once again focused on messaging, not legislating, and that is too bad.

Mr. SCOTT of Virginia. Madam Speaker, I yield 2 minutes to the gentlewoman from Georgia (Mrs. MCBATH), a distinguished member of the Committee on Education and Labor.

Mrs. MCBATH. Madam Speaker, I thank the chair for yielding.

Madam Speaker, I rise today in support of H.R. 1425, the Patient Protection and Affordable Care Enhancement Act.

As a two-time breast cancer survivor, I know how important it is to have access to quality, affordable healthcare, especially for those like me who have preexisting conditions.

This pandemic has shown us that every American needs access to quality, affordable healthcare. Many Americans have lost their employer-sponsored insurance and found affordable health coverage outside of their grasp, outside of their own reach.

The Patient Protection and Affordable Care Enhancement Act incentivizes Medicaid expansion, improves Medicaid coverage, fixes the family glitch, and ensures that every American has access to quality, affordable healthcare. That is our right. That is our right as Americans, to have affordable healthcare, to be able to take care of our loved ones, take care of ourselves and live a good, sustainable quality of life.

There is so much work that needs to be done, but this legislation truly takes important steps to ensuring that every American has the ability to be able to have access to health coverage.

Madam Speaker, I urge my colleagues across the aisle to vote ''yes.''

I am a preexisting condition, and in my district there are over 300,000 people like me who have preexisting conditions—45,000 of those in my district are children under the age of 17—and we deserve to be cared for, and we deserve to have a good quality of life afforded by affordable and good, quality healthcare.

Ms. FOXX of North Carolina. Madam Speaker, I yield 5 minutes to the distinguished gentleman from Tennessee (Mr. DAVID P. ROE).

Mr. DAVID P. ROE of Tennessee. Madam Speaker, I rise today in opposition to H.R. 1425, which doubles down on the flawed premise underlying the ACA and threatens access to lifesaving treatments in the middle of an ongoing public health epidemic.

All of us agree in this country that there is a dire need for healthcare reform. Our current system costs too much, is too complex, and often doesn't promote quality or value. This hasn't changed since the ACA was first passed into law.

Remember, the premise of the ACA was to lower costs and increase access. The scheme that the Democrats set up to accomplish this was an individual mandate to force people to purchase insurance they sometimes couldn't afford, a requirement for all plans to cover government-mandated essential health benefits—10 of them, to be exact—community rating to drive costs up for the youngest consumers, and massive subsidies that, today, are available to families of four with incomes as much as $104,000.

In addition, the bill requires States to greatly expand their Medicaid programs, a requirement that was subsequently mitigated by the Supreme Court.

What are the results? The CBO estimated 4 million individuals would receive coverage through the ACA. In reality, approximately 9 million received coverage, 80 percent of whom are on a highly subsidized plan. Costs exploded, as they tend to do with highly subsidized care, and plans responded by raising copays and deductibles.

I said it before and I will say it again: If you have a $5,000 out-of-pocket, Madam Speaker, for most folks, you don't have insurance; you have a card.

Meanwhile, the competition and plan choice that was promised never materialized. Plan options have decreased over time.

Seventy-five percent of the increases in coverage most likely would have occurred with two reforms: allowing individuals to stay on their parents' plan until age 26, which I agree with, and a simple Medicaid expansion.

□ 1315

Here we are again. Democrats appear to have learned none of the lessons that have become plainly evident since they passed their first government takeover of healthcare. Today we are considering legislation that will significantly expand premium subsidies for ACA insurance while prohibiting the 1332 waivers from States designing their own plans for their populations' unique needs.

One of the best examples of these waivers is Maryland—hardly a conservative State—which reduced premiums for its residents an average of 13 percent in 2019 and an average of 10 percent in 2020. The Democrats want to block this. I have no Earthly idea why.

That is not all.

The most outrageous aspect of this legislation is that it would offset the cost expansion of the ACA by allowing government bureaucrats to set drug prices. This is a provision that—if it sounds familiar, it is, because it was the heart and soul of H.R. 3, the Democrats' flawed drug pricing plan from December—that would have reduced access to new lifesaving treatments. Every study that examined H.R. 3 concluded that it would stop cures from coming to market. They only disagreed on how many cures it would stop. Our country currently leads the way in bringing new medications to market. It would save lives and improve patients' quality of life.

In fact, at this very moment American innovators are working at light speed to develop and mass-produce a COVID vaccine. The idea of passing legislation that discourages this type of innovation is absurd.

My first in-patient pediatric rotation in medical school in Memphis was at St. Jude's Children's Hospital. At that time, Madam Speaker, 80 percent of those children that I saw died. Today, 80 percent of those children live. If we don't stifle innovation, my prayer is that 100 percent of these children will survive in the future.

While Democrats continue to double down on the failure of ObamaCare, the Trump administration has been working to implement reforms that actually work and has acted aggressively in these last few months, in particular, to modernize our healthcare system and ensure patients continue receiving care during this pandemic. The Trump administration has been working to give patients new insurance options through short-term plans which cover only benefits essential to that patient. They have a potentially game-changing rule to increase transparency in hospital prices. They have expanded telehealth in Medicare—which I use today—given States the authority to experiment with plan design and encouraged States to innovate with their Medicaid programs.

This should be a time for Congress to work together and pursue patient-centered policies that will ensure we have a strong healthcare system to come back to. I hope my Democratic colleagues will work with Republicans in a bipartisan manner to advance policies that increase access to quality care, lower costs for all Americans, and put patients back in charge of their healthcare decision-making.

Madam Speaker, I, once again, urge my colleagues to vote against H.R. 1425.

Mr. SCOTT of Virginia. Madam Speaker, I yield 1 minute to the distinguished gentlewoman from California (Ms. PELOSI), who is the distinguished Speaker of the United States House of Representatives.

Ms. PELOSI. Madam Speaker, I thank the gentleman for his tremendous leadership in bringing this important and historic legislation to the floor. He has been a part of advancing lower costs for healthcare and better benefits for all Americans in his career in Congress. I thank Mr. SCOTT for his tremendous leadership as chair of the Education and Labor Committee and for the opportunity he is giving us today. I salute the gentleman and Chairman PALLONE, the chair of the Energy and Commerce Committee, who has played such an important role in all of this, as well as Mr. RICHARD NEAL, chair of the Ways and Means Committee, so much an important part. These three committees of jurisdiction and the members of their committees have been so essential to its excellence and to its success.

I also salute our freshmen who have been leading the charge to lower healthcare costs and strengthen healthcare protections every step of the way from the first day they arrived in the Congress.

In the election of this past 2018, Democrats made a pledge to the American people. For the people we would do three things. For the people we would lower the cost of healthcare by lowering the cost of prescription drugs and preserving the preexisting medical condition. We are doing that today.

For the people we would not only lower healthcare costs, we had bigger paychecks by building the infrastructure of America in a green way with good paying jobs. We will be doing that the rest of the week.

For the people we would be having cleaner government, and that is what we did the end of last week with the Justice in Policing Act, as well as part of our H.R. 1, voting for statehood for the District of Columbia. There is certainly more to come on the cleaner government front as we fight for voting at home and removing obstacles to participation.

But here today we are focused on that first for the people priority. Access to affordable care is a matter of life and death. That is so self-evident as we see every day during the COVID–19 crisis which now has killed more than 125,000 Americans, infected over 2.5 million Americans, and left tens of millions of people without jobs.

As Dr. Martin Luther King, Jr. once said: ''Of all the forms of inequality, injustice in health is the most shocking and most inhuman because it often results in physical death.'' Yes. As lives and livelihoods are shattered by the coronavirus, the protections of the Affordable Care Act are more important now than ever, and this is a health justice issue.

Democrats with this bill will strengthen America's health and financial security during this time of crisis and for years to come. It lowers Americans' healthcare coverage costs: Significantly increasing the Affordable Care Act's affordability subsidies to be more generous and cover more middle class families. It negotiates lower prescription drug prices: Drawing from our H.R. 3 legislation to ensure that Americans no longer have to pay more for our medicines than Big Pharma charges for the same drugs overseas.

This has been a long-term goal of Democrats in the Congress. In 2006 when we were running and won the majority, our For the People equivalent agenda was a new direction for America, Six for '06, and we had six bills that we said we would pass immediately upon obtaining the majority. We passed all six of them in the House of Representatives. Five of them became law. Only one of them did not, the law enabling the Secretary of HHS to negotiate for lower prescription drug prices. This has been a fight over the years we continue to make because it is central to not only the health but the financial health security of America's working families.

In addition, this legislation expands coverage and pushes holdout States to adopt Medicaid expansion for the 4.8 million cruelly excluded from the coverage.

It combats inequity in health coverage faced by communities of color, expands more affordable coverage to vulnerable populations, and fights the maternal mortality epidemic.

And it cracks down on junk plans which are such a rip—let me just pay you all the time for my health insurance but you won't be there for me when I need care. So it cracks down on those junk plans and strengthens protections for people with preexisting conditions.

What is interesting in this whole debate is to hear the President and Members on the other side of the side say that, oh, they are all for protecting preexisting conditions.

Oh, really?

Then why are you in the Supreme Court of the United States to overturn them?

Now, just back to this bill. According to analysis from the Center for Budget and Policy Priorities, our legislation that we have on the floor today will help lower the costs for well over 17 million more Americans and safeguard the Affordable Care Act's lifesaving protections for 130 million Americans with preexisting conditions.

When they say they are for allowing people with preexisting conditions to get coverage, they don't say at what cost. This is one of the biggest differences—well, with stiff competition—but one of the biggest differences between Democrats and Republicans on healthcare for Americans. We guarantee affordability and protect the preexisting medical condition as not being an obstacle to access. They are in Court trying to overturn it.

Sadly—and this is a stark contrast, as I point out—as Democrats unveiled our lifesaving legislation last week, President Trump went to the Court doubling down on his lawsuit to tear down the ACA and dismantle every one of its protections, including the preexisting medical condition benefit. At a time when families need healthcare more than ever, the President is trying to strip protections from about 130 million Americans with preexisting conditions and take coverage away from 23 million Americans. That does not even go into what he is trying to do to the enhanced benefits that all Americans with healthcare enjoy.

We need to build on the progress of the Patient Protection and Affordable Care Act to lower health costs and prescription drug prices, not rip away American healthcare in the middle of a pandemic.

What sense does that make?

On day one of this Congress led by Representative COLIN ALLRED, the House voted to throw our full legal

weight into defending this lawsuit. Yet more than 190 Republicans have voted against that resolution, choosing to be fully complicit in the President's attempt to tear away health protections. We continue to call on the President to abandon his lawsuit to destroy the Affordable Care Act and urge him instead to call on the 14 States who have refused to expand Medicaid to do so.

Doesn't it just make sense at the time of a pandemic? It is always important.

It would have been amusing if this were not so deadly serious to hear Senator CORNYN say: Well, these people who have lost their jobs because of this pandemic could always sign up for the Affordable Care Act.

Really?

But he is trying to take it down.

The administration has a responsibility to defend the law of the land, not to tear it down. Today, Members of Congress have a choice to strengthen America's healthcare protections and lower healthcare costs or to be complicit—once again, I use that word—in President Trump's campaign to dismantle families' healthcare. Make no mistake. A vote against this bill is a vote to weaken America's health and financial security during a pandemic.

When I was growing up, I remember my mother used to always say: If you don't have your health, you don't have anything.

Health is so central. As you see, the American people place a high value on it when they say they don't want to go out too soon to jeopardize their health or the health of those they have at home.

So, in every language when people salute each other they salute people to their health. The Spanish say salud, the Dutch say proost, the French say sante, the Germans say prost, the Irish say—now, this is hard because Gaelic is a hard language—slainte, the Italian I can say better, salute, and in Hebrew it is l'chaim.

It is all about life and health. That is the salute. Everybody knows it is centrally important. With this bill Democrats in the House are offering our salute to good health to the American people, and we hope the Republicans will join us in that salute to good health to the American people.

Madam Speaker, I urge a strong vote for the Patient Protection and Affordable Care Enhancement Act for the people, for the children, and for the future.

□ 1330

Ms. FOXX of North Carolina. Madam Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. ALLEN).

Mr. ALLEN. Madam Speaker, I am really disappointed with, once again, my colleagues across the aisle using this COVID–19 crisis as an opportunity to push their partisan agenda. You would think a crisis like this would bring us together.

And this thing is going nowhere. H.R. 1425 is nothing more than another government power grab in an attempt to double down on the failed policies of ObamaCare.

Remember the promise that was made to lower your premiums? Yet, they have skyrocketed. Not only does this bill rescind the Trump administration's rule on short-term, limited duration insurance, which aims to provide relief from rising premiums and flexibility for consumers, it also implements government price-setting for drugs.

The American people want choice, not one-size-fits-all, top-down, Big Government programs. Why in the world would you send a hard-earned tax dollar to Washington and maybe get 20 cents back to take care of a patient?

Madam Speaker, I made a promise to the people of Georgia's 12th District that I would fight to lower drug prices, and this bill would lead to drug price hikes and shortages. Under this proposal, the Secretary of HHS would be required to set government rates for a number of lifesaving drugs, like insulin. The CBO estimates that price-setting policies like these will result in fewer cures and treatments coming to the market.

H.R. 1425 would expand ObamaCare after we spent years working to roll back the burdensome mandates that the American people cried out for Congress to repeal.

As I said, the American people want choice. My Democrat colleagues have allowed the far-left radicals within their party to take over their agenda.

Let's be clear what the Democrats want here. They want the government to be in charge of your healthcare, of everyone's healthcare. Democrats believe they and their fellow bureaucrat friends know what is best for your healthcare, not your doctor. I can tell you right now that, in my district, we know better and can see right through these schemes.

Now more than ever, for the sake of our country, we must come together to provide real healthcare solutions, not far-left political messaging bills. Unfortunately, it is business-as-usual here for the Democrats, putting policies over country.

Madam Speaker, I urge my colleagues to oppose this bill.

Mr. SCOTT of Virginia. Madam Speaker, I yield 2 minutes to the gentlewoman from Washington (Ms. SCHRIER), a distinguished member of the Committee on Education and Labor.

Ms. SCHRIER. Madam Speaker, I thank the chairman for yielding.

Madam Speaker, I rise in support of the Patient Protection and Affordable Care Enhancement Act.

As a pediatrician, and a patient with type 1 diabetes, I know how important it is to have real access to healthcare. The Affordable Care Act was a phenomenal first step. It provided protection for 26 million Americans with preexisting conditions who otherwise would not have had access to health insurance, made sure young people were covered until age 26, and designated primary care and access to birth control as essential.

Of course, it was imperfect. It was intended to be a first step. Now, with 10 years of experience, we know how to improve it by addressing the serious issues of cost and access.

The Patient Protection and Affordable Care Enhancement Act does just that, with a special emphasis on children and communities of color who, for too long, have faced health disparities.

Also, with this bill, a family of four in my district would save an estimated $8,000 a year on health insurance. This legislation provides permanent funding for the Children's Health Insurance Program so that children will be able to get healthcare they need right from the start. I am particularly excited that this bill also includes the Kids' Access to Primary Care Act, a bipartisan bill I introduced to expand primary care access for children and families on Medicaid.

By matching Medicaid reimbursement rates to higher Medicare rates, Medicaid patients will have access to more physicians, and children will get the care they need when they need it from their very own primary care physician. That kind of access to care should not depend on ZIP Code, income, or skin color.

The toll this pandemic has taken on already disadvantaged communities drives home the need for everyone to have affordable access to the care they need. That is why this bill, the Patient Protection and Affordable Care Enhancement Act, is so important.

No family should ever face bankruptcy because of medical expenses. As one of the few doctors in Congress, I will always work to ensure that everyone can afford the care they need.

Ms. FOXX of North Carolina. Madam Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. SMUCKER).

Mr. SMUCKER. Madam Speaker, I start by wishing the ranking member of the committee a very happy birthday and a wonderful day.

Madam Speaker, I rise today in opposition to H.R. 1425.

I do agree with my colleagues on both sides of the aisle that we need to enact reforms that will make health insurance and access to care more affordable. I also agree that we need to protect individuals with preexisting conditions. But the approach under the legislation being debated today will not bring us closer to a better-functioning marketplace. It is like putting a Band-Aid on a broken system.

To truly lower the costs of insurance and care, we need to address the underlying cost drivers of healthcare. Yet, the legislation before us today ignores what is driving prices higher. Instead, it broadens government subsidies to

more individuals, including the wealthy, so that, on its face, the price of insurance looks cheaper. But don't be fooled by generous tax credits. These credits will be paid for by all taxpayers when they are passed along to hardworking families in the form of higher taxes.

Madam Speaker, I would welcome the opportunity to work with my colleagues on the other side of the aisle on real reforms that will increase choices for insurance and care options; that will cut through healthcare monopolies to increase competition in the marketplace; that will allow for more personalized plans that will better target taxpayer-funded subsidies to the poor, the sick, and the vulnerable, not high-earning individuals; and that would enable a system that fosters innovation in patient care, not stifle it through burdensome government mandate.

Before I close, I want to touch on my colleagues' decision to include the same government-controlled drug-pricing scheme in this patchwork of stale proposals that was passed a few months ago. At a time when the world is fighting to emerge from a global pandemic, my colleagues on the other side of the aisle believe it is an appropriate time to raise taxes on lifesaving cures by 95 percent.

We have already worked, in a bipartisan manner, on policy ideas that we all agree will help lower drug prices. Each of those policies was included in H.R. 19, the Lower Costs, More Cures Act.

Madam Speaker, I hope, one day, we can set the shenanigans aside and bring real reforms, like those included in H.R. 19, up for consideration.

Mr. SCOTT of Virginia. Madam Speaker, I yield 1 minute to the gentleman from Maryland (Mr. HOYER), the distinguished majority leader of the United States House of Representatives.

Mr. HOYER. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, I have only been on the floor a short time, but I am sure there have been the repeated opposition statements that: ''Oh, if only we could get agreement.'' ''If only we could do this, we would have a wonderful healthcare program.''

Madam Speaker, frankly, my friends on the other side of the aisle have had 12, 14 years, at least, to come up with a program.

Madam Speaker, they did come up with a program, and they passed it through the House—they were in charge—and it went to the Senate. The Republicans were in charge of the Senate.

When they passed it through the House, they all went down to the White House, and they had a big party. ''What a wonderful deal this is.'' Lo and behold, within 2 weeks, the President, who was extolling that bill, called it a ''mean'' bill.

That is not me. That is the President of the United States about the bill that he was celebrating with his Republican colleagues.

The Republicans talk a good game, but they don't play a game. It is not that they don't play a good game. They don't play a game. There is no bill coming from the President of the United States.

Madam Speaker, last week, in the middle of the worst pandemic in our lifetimes, the Trump administration submitted briefs to the Supreme Court in support of a lawsuit by Republican-led States seeking to overturn the law that provides millions of Americans with access to affordable healthcare. They offer no substitute. They said they were going to, but they have never done it.

In spite of a decade of Republican efforts—a decade, 10 years—they have had to work on this and come up with a plan that all of them are talking about—''Oh, we want to protect preexisting conditions.'' ''We don't want to have lifetime limits''—you know, all these things.

Where is the bill? Where is the meat? It is not here. It hasn't been offered. The one bill that was offered and passed in this House was called by the President of the United States a ''mean'' bill.

Not our President, their President—I mean, he is the President of all of us, but he is a member of the Republican Party, just like Obama was a member of the Democratic Party.

We passed an alternative. It was signed, and the majority of the American people supported it. As a matter of fact, 53 percent of independents supported it.

Madam Speaker, when the Supreme Court hears oral arguments in the Republican lawsuit this autumn—in the Republicans' lawsuit; these are Republican AGs—it will hear their arguments for taking away protections for those with preexisting conditions, those most vulnerable to COVID–19, at the very moment healthcare experts predict another wave of infections and the start of the flu season. And where do we see the spike? Along the southern border: Texas, Florida, Arizona.

Madam Speaker, taking away Americans' coverage and throwing our healthcare system into chaos is not what the American people want or need during this global public health and economic crisis. When President Trump ran for office—this was before he called the bill that the House passed a ''mean'' bill, under Republican leadership—President Trump falsely promised that he would offer an alternative to the Affordable Care Act that was far less expensive and better quality.

Madam Speaker, I ask any of my colleagues if they have seen that bill, either side of the aisle, have they seen that bill. This President has been President for 3.5 years. There is no Republican bill to make sure that Americans have affordable quality healthcare and have them able to get insurance irrespective of preexisting conditions. There is no such legislation.

Now, having failed to produce an alternative, the President and his Republican allies are determined simply to repeal it entirely. That has been their position for the last 12 years.

I am proud that one of the first acts of our Democrat House majority was to defend the ACA in the Republican lawsuit. Indeed, Americans don't want to scrap the law. They want to strengthen and expand it.

They understand that it is not an option, having healthcare coverage. Protecting your health is not an option.

When Democrats won the majority in the House, we did so promising to work to expand coverage, lower out-of-pocket costs, and provide greater stability for health insurance marketplaces. That is what we promised, and we picked up 40 net seats. This bill is part of that promise.

Now, we passed another one. It sits untouched in the Senate, as some of my Republican colleagues predict for this one. I understand that. The Republicans are not for healthcare being affordable, being quality, being accessible for people. At least, they haven't offered a bill to accomplish that objective, notwithstanding what the President said.

Importantly, among the other provisions that you have heard about from my colleagues this morning, this legislation addresses the racial disparities in healthcare that have become so starkly evident during this pandemic. Expanding Medicaid will help close those disparities, and the bill's provision to require Medicaid coverage of maternal healthcare for 12 months postpartum will help reduce disparities that make African-American women as much as four times as likely to die as a result of a birth or pregnancy complication than White women.

Those disparities aren't acceptable, and our House majority is taking action to address them.

Madam Speaker, I congratulate Mr. SCOTT. I congratulate Mr. PALLONE. I congratulate Mr. NEAL. And I congratulate Speaker PELOSI.

Moreover, this bill would require the Secretary of Health and Human Services to negotiate over the most expensive prescription drugs that do not have marketplace competition, that do not have market competition. That is what keeps prices down, consumers having choices. If they don't have choices, they have to take the drug, no matter what it costs, which is a key component to lowering prices.

That said, I want to be clear that, while we use international measures, we will continue to work with the patient and disability community to ensure that our efforts to reduce out-of-pocket costs do not have the unintended result of rationing lifesaving and life-sustaining treatments or discriminate against our most vulnerable communities.

Madam Speaker, I thank all the chairs and their committees that came together to produce this bill. I have

mentioned Chairman PALLONE, Chairman SCOTT, Chairman NEAL, and others, and I thank all the Members who were instrumental in bringing these policies together, including the many freshman Members who ran on strengthening the ACA.

I see Ms. UNDERWOOD on the floor, but there are many others in the freshman class who have worked very hard. Why? Because they campaigned on For the People, bringing costs down.

I urge every Member of the House to join in supporting this bill. Now is the time, Madam Speaker, to strengthen access to high-quality, affordable healthcare, to bring costs down, and to address the stark racial disparities in our healthcare system that have come into full view with COVID–19.

I urge all my colleagues on both sides of the aisle, if your rhetoric is about bringing costs down, if your rhetoric is about accessibility, if your rhetoric is about equality, walk the walk; don't just talk the talk. Vote for this bill, because it does what you say you want to do.

□ 1345

Ms. FOXX of North Carolina. Madam Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I yield 2 minutes to the gentlewoman from Illinois (Ms. UNDERWOOD), a distinguished member of the Committee on Education and Labor.

Ms. UNDERWOOD. Madam Speaker, I rise today in strong support of the Patient Protection and Affordable Care Enhancement Act.

Last June, I visited Kaylee Heap at her family's farm in Minooka, Illinois. Mrs. Heap told me: It would be really nice to come home and work on the farm with my husband and grow our business, but I can't do that until we overcome the obstacle of getting quality, affordable health insurance.

People like Kaylee are why I introduced legislation, the Healthcare Affordability Act, to improve premium tax credits to make insurance more affordable to more Americans, including those who don't currently qualify for tax credits.

This legislation would reduce premiums by hundreds or thousands of dollars for nearly 20 million Americans, and I am so pleased that it was included in this bill today.

This bill delivers on our promise to ensure that all Americans have access to quality, affordable healthcare. I urge all of my colleagues to support this bill and join me in this effort.

Ms. FOXX of North Carolina. Madam Speaker, I reserve the balance of time.

Mr. SCOTT of Virginia. Madam Speaker, may I inquire as to how much time each side has remaining.

The SPEAKER pro tempore. The gentleman from Virginia has 11 minutes remaining. The gentlewoman from North Carolina has 4½ minutes remaining.

Mr. SCOTT of Virginia. Madam Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. TRONE), a distinguished member of the Committee on Education and Labor.

Mr. TRONE. Madam Speaker, healthcare is a human right. The Affordable Care Act helped us live up to that value by giving over 20 million American people healthcare coverage, including millions with preexisting conditions.

But still, too many Americans don't have access to good, affordable healthcare, and drug prices are through the roof.

One of those Americans is Suzette from Germantown, Maryland. Suzette told me that her insulin prices have skyrocketed over the last year, making it hard to afford a drug that she needs to survive. As Elijah Cummings said: We are better than that.

The Patient Protection and Affordable Care Enhancement Act will cut premiums in half; allow negotiations for drug prices; and expand Medicaid, a lifeline for many who need support for mental health and addiction treatment services.

During a global pandemic, we should be acting with compassion for the most vulnerable in our country. This bill does just that. I urge a ''yes'' vote.

Ms. FOXX of North Carolina. Madam Speaker, I reserve the balance of time.

Mr. SCOTT of Virginia. Madam Speaker, I yield 2 minutes to the gentlewoman from Nevada (Mrs. LEE), a distinguished member of the Committee on Education and Labor.

Mrs. LEE of Nevada. Madam Speaker, on behalf of the people of Nevada's Third Congressional District, I rise today to stand up for my constituents' access to healthcare and lifesaving treatments and support the Patient Protection and Affordable Care Enhancement Act.

A constituent of mine, Mark, wrote to me recently. He is retired and on Medicare, and he is also a diabetic who requires insulin to survive. He told me that the cost of his insulin is going up 400 percent, with no warning or explanation. It is life or death for him, because he needs the insulin but can't afford it.

This moment should give us all pause. Millions are out of work; thousands are sick and dying from a global pandemic; yet lifesaving medications are still out of reach for Americans who need them.

It is unbelievable that this administration continues its campaign to take away people's healthcare. Seniors like Mark deserve better, Nevadans deserve better, and Americans deserve better.

Medication costs, rising premiums, and junk insurance plans are forcing people to choose between lifesaving treatment and paying their bills. No one in this great country should have to make that choice.

I urge my colleagues to vote for the Patient Protection and Affordable Care Enhancement Act, and give every American access to affordable health care.

Ms. FOXX of North Carolina. Madam Speaker, I reserve the balance of time.

Mr. SCOTT of Virginia. Madam Speaker, I yield 2 minutes to the gentleman from Rhode Island (Mr. CICILLINE).

Mr. CICILLINE. Madam Speaker, I thank the gentleman for his extraordinary leadership. I thank Chairman SCOTT, Chairman NEAL, and Chairman PALLONE.

122,000 Americans have died from COVID–19, nearly 2.6 million are infected. And, in the midst of this deadly and historic global health pandemic, with infection rates continuing to rise all across our country, there has never been a worse time to try to rip away healthcare from the American people.

But just last week, President Trump and my Republican colleagues filed a pleading in the Supreme Court to take away healthcare from 20 million Americans and to gut protections for 135 million Americans with preexisting conditions.

Now, more than ever, Democrats are standing up to fight to protect access to quality, affordable healthcare. And the Patient Protection and Affordable Care Enhancement Act does just that. It lowers healthcare costs; it protects patients with preexisting conditions; it expands Medicaid; and it lowers the cost of prescription drugs.

Our colleagues on the other side of the aisle have described these ideas as radical. Only in the Republican Conference is expanding health coverage and driving down costs and covering more people with preexisting conditions radical. For the rest of the American people, it is a basic human right: access to quality, affordable healthcare. The Patient Protection and Affordable Healthcare Enhancement Act will do just that.

My colleagues have been on a relentless campaign to repeal the Affordable Care Act in its entirety and promised they were going to repeal and replace. They have only tried to repeal. There has never been a replacement.

Once again, we are stepping into the breach, building on the success of the Affordable Care Act in the midst of a global health pandemic to drive down healthcare costs, expand coverage, and protect people with preexisting conditions.

I urge my colleagues to vote ''aye.''

Ms. FOXX of North Carolina. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, propagandists have said that if one repeats a lie often enough, people will soon believe the lie and not the truth. My colleagues are entitled to their own opinion but not to their own facts or rewriting history.

I want to repeat some comments from my Texas colleague, Mr. BRADY, who spoke earlier in this debate.

Republicans support children, seniors, and patients with preexisting conditions.

Republicans created the popular Children's Health Insurance Program that millions of families rely on today.

Republicans created the prescription drug program in Medicare to help seniors get the medicine they need.

Republicans created the first law that established protection for patients with preexisting conditions. That law, passed in 1996, is the Health Insurance and Portability Act of 1996.

We want people to have access to high-quality, affordable healthcare that fits their needs and make their own choices, not what Speaker PELOSI demands for them.

Madam Speaker, the devastating effects of COVID–19 are still being felt across our Nation, yet today Democrats are spending time pushing a deeply flawed, partisan bill that is being used to score cheap political points instead of working on bipartisan solutions like lowering drug costs, ending surprise billing, and getting our economy back on its feet.

We are left with H.R. 1425, a radical bill which will limit healthcare choices, increase costs, and double down on the failures of the Affordable Care Act. No innovation, investment, or solutions, just more of the failed status quo from House Democrats, which will go nowhere after the vote today.

Contrary to what Speaker PELOSI said, Democrats do not and cannot, in this bill, guarantee affordability of healthcare. What they do guarantee is government control with rationing, fewer cures, and less freedom for Americans. Republicans believe in just the opposite.

Madam Speaker, I strongly urge a ''no'' vote on H.R. 1425, and I yield back the balance of my time.

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

Madam Speaker, this bill will reduce the cost of prescription drugs. Americans pay twice as much, three times as much, as much as 10 times more than those in other countries pay for the exact same drugs. This bill will allow the Department of Health and Human Services to try to negotiate better prices.

Those on the other side have criticized reduced prices because they potentially could reduce investments and research, but this bill offsets any such reductions with significant increases in investment in research at the National Institutes of Health.

This bill makes improvements to the Affordable Care Act by reducing premiums, expanding coverage to families, protecting those with preexisting conditions, and reducing the number of uninsured.

We have heard criticisms but no description of a better alternative.

We have heard about the 1996 law on preexisting conditions, but that did nothing in the individual market. And that is what the Affordable Care Act protects: preexisting conditions in the individual market.

But look at what the CBO said about the Republican bill when they had the majority and were able to pass a bill. They actually passed a bill that CBO scored, and they said that it would increase costs 20 percent the first year, 20-some-million fewer people would be insured, those with preexisting conditions would lose some of their protections, and the insurance you get is worse than what you have.

We can do better than that by passing the Patient Protection and Affordable Care Enhancement Act, and that is what we should do today by voting ''yes'' on this legislation.

Madam Speaker, I yield back the balance of my time.

Ms. JOHNSON of Texas. Madam Speaker, today, I rise in support of H.R. 1425, the Patient Protection and Affordable Care Enhancement Act. This bill will make critical improvements to our current health care system by ensuring affordable access to medical services and lifesaving prescriptions. By expanding the insurance affordability subsidies, establishing a federal negotiating authority for lower drug prices, and extending Medicaid coverage to crucial populations, this legislation will ensure that our communities can better withstand and recover from the seismic impact of this COVID–19 pandemic.

It is inacceptable that during this public health emergency, our federal government should act in any manner except to strengthen and protect our health system. The current administration's request last week to the Supreme Court to overturn the Affordable Care Act threatens the very protections and medical services that our constituents and communities are relying on for life saving care during this pandemic.

As the first registered nurse elected to Congress, I can attest to the importance of the Affordable Care Act in improving our country's health care, especially through the protections for the 133 million Americans living with preexisting conditions—of which 11.5 million live in my home state of Texas. If our country were to lose the gains of the Affordable Care Act, all these individuals will have to face uncertain insurance markets without critical protections. It is more abhorrent for any efforts to be made to destabilize our health system during a time of crisis, especially since our communities of color are already facing disproportionate impacts of this virus through higher rates of comorbidities and higher reported rates of hospitalizations and deaths. To further jeopardize access to existing health care services amidst these compounding factors would prove devastating for the health and wellbeing of our minority communities.

Therefore, I am proud to support the Patient Protection and Affordable Care Enhancement Act, and I am committed to fighting for the preservation of accessible and quality health care services for the families throughout North Texas.

Ms. MATSUI. Madam Speaker, I rise today to support the Patient Protection and Affordable Care Enhancement Act.

This legislation is the collective achievement of House Democrats from across the country who are working to reverse the Trump Administration's health care sabotage by updating and improving the Affordable Care Act.

This bill expands eligibility for health care tax credits to purchase ACA plans and encourages remaining states to expand Medicaid. These concrete steps will provide new coverage options to those navigating recent job loss and economic uncertainty.

Critically, this legislation also empowers Medicare to negotiate a better deal on prescription drug prices, which will bring an end to price gouging of American consumers and finally allow people to afford the drugs they need.

As the pandemic continues to challenge our collective public health and well-being, now, more than ever, American families need relief from soaring health care and prescription drug costs.

I encourage my colleagues to support this effort to protect patients, expand access, and lower health care costs.

Mr. CURTIS. Madam Speaker, today, I rise in opposition to H.R. 1425. Right now, we must deliver the most effective treatments to patients infected with COVID–19 and all those suffering from other life-threatening illnesses. Breaking down barriers to receiving timely care must remain our number one priority in order to halt transmission of the virus.

H.R. 1425 does the opposite by dramatically expanding the role of government through unconstitutional inventions in our pharmaceutical industry and broader healthcare system. This would put our brightest scientific minds in handcuffs and threaten their ability to develop future cures for COVID–19 and other life-threatening diseases.

These are especially concerning decisions to make without bipartisan input. We have to work together in order to deliver solutions that give Americans more control over how they are receiving their health care. Solutions could include expanding access to health savings accounts or association health plans to be sold across state lines and with more portability. I recently introduced legislation to increase access to both options and I encourage my Democratic colleagues to join me as I look for creative solutions to make health care more affordable for millions of hard-working Americans.

Finally, I want to point out that Congress has already taken unprecedented steps to increase access to care for the uninsured and any American household dealing with the effects of COVID–19. It is critical that our focus remains defeating this virus, keeping Americans healthy, and allowing hard-working men and women across our great nation to return to work. We cannot place greater strains on our already over-worked health care system through one-size-fits-all policy making.

Ms. ROYBAL-ALLARD. Madam Speaker, ten years ago, this March, I proudly cast my vote in support of the Patient Protection and Affordable Care Act. The ACA built on the promise that was begun with the passage of Medicare in 1965, which represented a milestone in our nation's history by framing healthcare as a universal right for all Americans.

Like many of my colleagues at that time, I would have preferred to see the bill go much further towards granting universal access to health care for every man, woman, and child in this country. Nevertheless, it was an important first step to improving the quality and affordability of health services, prioritizing prevention and the reduction of health disparities, and taking the necessary albeit difficult steps to rein in the escalating costs of health care in this country.

The intent of the Democrat Majority in the 111th Congress was always to build on the ACA and modify and improve its programs and policies. Instead, what followed was at least 70 Republican led attempts over the next 8 years to defund benefits, dismantle programs, and repeal parts, or all, of the Affordable Care Act, with no serious effort to fix problems or replace the critical law with a viable alternative.

For the last three years, Democrats have watched in frustration as a series of misguided and meanspirited Presidential executive orders have slashed funding, delayed implementation of programs, and limited benefits for consumers. And when President Trump's ''Repeal and Replace'' efforts failed, his administration turned to the courts to declare unconstitutional all, or parts, of the ACA.

Today, with the Patient Protection and Affordable Care Enhancement Act, we say ENOUGH IS ENOUGH. This important legislation will strengthen and expand the Affordable Care Act by including provisions to reduce the cost of prescription drugs, reduce the number of uninsured Americans, expand access to quality and affordable health coverage, and protect people with pre-existing conditions.

The bill expands Marketplace tax credits to lower health insurance premiums and allows more middle-class individuals and families to qualify for subsidies. It expands Medicaid coverage for states who have not taken advantage of this provision and reverses the Trump Administration's expansion of junk health insurance plans that discriminate against people with pre-existing conditions. The bill also requires the federal government to negotiate certain drug prices to ensure consumers have access to affordable and fair prices for drugs they depend upon to live healthy and productive lives.

According to the Congressional Budget Office (CBO), this bill would reduce the number of uninsured by 4 million below the current law, and it would lower individual market premiums by 10 percent and drug prices by up to 55 percent.

Americans have overwhelmingly told us their number one concern is access to high quality and affordable health care. H.R. 1425 builds on the ACA and takes the next critical step towards reducing health disparities and providing more families with affordable and comprehensive health insurance. I am proud to vote YES for the Patient Protection and Affordable Care Enhancement Act.

Mr. DEFAZIO. Madam Speaker, today I will vote in support of H.R. 1425, the Patient Protection and Affordable Care Enhancement Act.

I am pleased that this legislation bolsters the Affordable Care Act (ACA) and further protects it against years of attempts by the Trump administration and congressional Republicans to undermine and repeal this important healthcare legislation—and thus take away health coverage and protections from millions of Americans—all without ever proposing a viable replacement.

The timing of this legislation could not be more crucial. Just last week, in the midst of a global pandemic that has killed more than 120,000 Americans and threatened the health insurance coverage of millions more, the Trump administration filed a legal brief to the Supreme Court supporting a case that would fully repeal the ACA. This reckless and heartless move would strip healthcare coverage from an estimated 23 million Americans and threaten coverage for 135 million Americans with pre-existing medical conditions—all while delivering a huge tax cut to millionaires. In my congressional district alone, repealing the ACA would cause 72,000 Oregonians to lose their health insurance and threaten the coverage of 317,000 Oregonians with pre-existing conditions. This is absurd.

That's why I strongly support H.R. 1425's provisions to strengthen protections for individuals with pre-existing conditions, as well as its reversal of the Trump administration's expansion of junk short-term health insurance plans that do not provide coverage for essential medical treatments and drugs—and which are allowed to discriminate against people with pre-existing conditions. I am also pleased that this legislation increases healthcare coverage by delivering additional support for states to expand Medicaid, establish state-based health insurance marketplaces, and bolster efforts to increase enrollment and help individuals sign up for ACA coverage.

I also strongly support this legislation's efforts to lower Americans' health insurance costs by expanding tax credits to reduce ACA marketplace premiums, placing a cap on premium costs, allowing more individuals and families to qualify for ACA subsidies, and providing funding for reinsurance initiatives to further lower premiums, deductibles, and other out-of-pocket costs.

This legislation also takes long-overdue steps to help combat inequalities in health coverage faced by communities of color in Oregon and throughout the United States. This includes fighting the maternal mortality epidemic by requiring states to extend Medicaid or CHIP coverage to new mothers for 1-year post-partum; improving Medicaid beneficiaries' access to primary care physicians; and protecting vulnerable populations from losing health coverage by ensuring that Medicaid and CHIP beneficiaries receive a full 12 months of coverage once enrolled—thereby protecting them from interruptions due to fluctuations in their income throughout the year.

I have always said that the ACA is not perfect, but I believe the law should be reformed rather than repealed. The original ACA bill that passed the House in 2009, with national exchanges and a government not-for-profit option, was far superior than the final bill that became law. In my opinion, a government-run, not-for-profit health plan would have paved the way to a single-payer system with more comprehensive coverage at a lower cost. That's why I have once again introduced legislation, H.R. 1419, that would establish such a plan and bring down premium costs.

I am also once again an original cosponsor of H.R. 1384, the Medicare for All Act, which would transition the U.S. to a universal single-payer system to ensure that everyone has access to health insurance coverage, no matter their income.

Additionally, because of pharmaceutical companies' price gouging, Americans pay more out-of-pocket for prescription drugs than individuals in any other country. Americans need lower drug prices now, and Congress has the ability to enact important reforms to deliver immediate relief.

By incorporating provisions from H.R. 3, the Elijah E. Cummings Lower Drug Costs Now Act—which passed the House in December—I believe H.R. 1425 takes some important first steps towards delivering drug price relief and improving the health and financial security of American seniors and families. Specifically, H.R. 1425 requires the federal government to negotiate affordable prices for at least 25—and eventually 50—prescription drugs, as well as insulin, every year. It also imposes an excise tax on drug manufacturers who do not comply with this affordable pricing provision.

While I believe these provisions will ultimately deliver relief to millions of Americans, including seniors, I believe Congress can and must do more to combat rising drug prices and price-gouging pharmaceutical companies.

To combat this ridiculous practice, I reintroduced H.R. 4640, the Affordable Drug Pricing for Taxpayer-Funded Prescription Drugs Act, which would end price-gouging on prescription drugs developed with taxpayer-funded research. Americans should not pay to develop a drug only to see it put on the shelves in the U.S. at a much higher price than other nations. I am also co-leading legislation, the Make Medications Affordable by Preventing Pandemic Pricegouging Act, to prevent price-gouging for any taxpayer-funded drug or vaccine developed to treat COVID–19.

Moreover, I have consistently supported legislation to allow the federal government to negotiate affordable drug prices for Medicare Part D, and I am also cosponsor of legislation to require the federal government to secure affordable pricing agreements for all prescription drugs, as well as to approve cheaper generic versions of drugs if manufacturers refuse to negotiate.

The bottom line is that seniors shouldn't have to ration their pills or limit their dosage because they can't afford to pay for prescriptions each month, and drug companies should not be free to charge Medicare recipients—or any American—prices that are higher than anywhere else in the world. These practices are wholly unacceptable, and I will continue fighting to ensure that every American can afford the prescription drugs they need.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1017, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

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

□ 1400

MOTION TO RECOMMIT

Mr. WALDEN. Madam Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. WALDEN. Madam Speaker, in its current form, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Walden moves to recommit the bill H.R. 1425 to the Committee on Energy and Commerce with instructions to report the same back to the House forthwith with the following amendment:

After section 2, insert the following:

SEC. 3. EFFECTIVE DATE.

This Act and the amendments made by this Act shall not take effect unless the Secretary of Health and Human Services, in consultation with the Commissioner of Food and

Drugs, the Director of the National Institutes of Health, and the Director of the National Institute of Allergy and Infectious Diseases, certifies that no provision of this Act and the amendments made by this Act will adversely affect research on, development of, or approval of any drug (including any biological product) intended to treat or prevent infection with the virus that causes COVID–19.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon is recognized for 5 minutes in support of his motion.

Mr. WALDEN. Madam Speaker, this motion should be adopted. It would prevent the bill from upending the very progress we are all counting on for our innovators to develop new vaccines and therapies to confront this killer coronavirus.

You see, it simply states the legislation cannot take effect unless the Secretary of Health and Human Serves certifies that no provision will adversely impact the research, the development, or the approval of any drug intended to treat or prevent COVID–19.

Now, Democrats, with a straight face, come to the floor today to move a bill that would do grave damage to medical innovation. The Congressional Budget Office has told us that on many occasions. Upwards of 30 to 100 drugs, depending upon the source, could never make it into the pipeline. Will that be a cure for COVID or a cure for ALS or a cure for cancer? We don't know, and neither do the Democrats bringing it. But we do know the independent analyses show we will not see a lot of new medicines.

So let's make sure one of those new medicines is not the cure to COVID or a treatment to save lives for people who are on ventilators. That is what our motion to recommit says: Before you move forward with a known innovation killer, let's at least exclude treatments and cures for COVID–19.

Communities are being ravaged, we all know these stories. We all share them with each other about incredible damage done to lungs, organs, and lives as a result of COVID–19. In the wake of this public health crisis, medical innovators have worked at an unprecedented speed to develop safe and effective products so we can safely begin to open our country back up and eventually return to normal lives.

We have seen public-private partnerships to a degree never seen before. Private companies are joining forces with competitors, government agencies, and nonprofits, and they have taken on substantial financial risk in order to bring safe and effective vaccines and treatment to patients as quickly as possible.

But now Democrats, with passage of this bill, want to gut innovation in America.

California Life Sciences tells us the provisions of this bill that were included in H.R. 3 can result in 88,000 innovation tech jobs, R&D jobs going away from America to somewhere else. That is the price of this bill. We know House Democrats voted to impose these dangerous price controls with passage of H.R. 3.

We also know that one of the side benefits, shall we say, of adopting socialized medicine is you don't get access to new medicines when they do become available in as timely a manner as you do here. Compared to the U.S., in Australia, it takes an average of 19 months longer for medicines to become available to patients; for Canada, it is up to 14 months longer; United Kingdom, 11 months longer for those cures for cancer, those new medicines on the market, revolutionary sort of new innovations we all want.

So all we are asking for here is, before your bill becomes law—and, by the way, the administration said they will recommend a veto—before it moves through the path, let's at least make sure that an unintended but dangerous consequence of this bill does not take effect, and that is let's make sure that it will not inhibit research and innovation for a treatment or cure to COVID–19. That is what our motion asks for.

Madam Speaker, I urge a ''yes'' vote on the motion to recommit.

Madam Speaker, I yield back the balance of my time.

Mr. PALLONE. Madam Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from New Jersey is recognized for 5 minutes.

Mr. PALLONE. Madam Speaker, I urge my colleagues to vote against the Republican motion to recommit.

This motion to recommit is a distraction, and it provides cover to the pharmaceutical industry to continue to raise prices, just as we have seen them do on thousands of drugs this year alone.

Moreover, my Republican colleagues would have you believe that it is the pharmaceutical industry alone that is responsible for innovation and for funding innovation in this country, which omits the critical role that the Federal Government has played and will continue to play in drug development and the discovery of novel therapies.

Let me be clear, Madam Speaker: The investments in research for COVID–19 treatments and vaccines aren't being put on the backs of the pharmaceutical industry. It is Congress and the American taxpayer who have made unprecedented investments as we race to find a cure for COVID–19.

In response to COVID–19, Congress has invested over $8 billion for innovative biomedical research development and the purchase of new vaccines and therapeutics, including $4.4 billion in the CARES Act, and $3.8 billion in the Supplemental Appropriations Act in the last month or so.

This Enhancement Act combined with the HEROES Act, which the Senate has still not taken up, would more than double this historic investment, bringing it to over $19 billion. And the manager's amendment to this bill is another $2 billion.

So, based on the claims by Republicans here today and this motion to recommit, my colleagues on the other side of the aisle would have you believe that we are forced to choose between two competing alternatives: either finding vaccines and treatments for diseases and viruses like COVID, or reducing drug prices that are gouging American families at the pharmacy counter every day. This is a false choice.

From the Republican perspective, we have no choice but to allow the pharmaceutical industry to continue to go unchecked and rake in record profits at the expense of those who need lifesaving medicines. But it is fearmongering at its worst, and it is blatantly untrue. This Nation can and is doing both. There is more than enough spending in the system to reduce drug prices and ensure we do not impact research and development for treatments and cures, including a vaccine for COVID–19.

We know that most big pharmaceutical companies spend more on marketing, sales, and overhead than research and development, and there is no reason why American families are forced to pay 3, 5, or 10 times more for the same treatments as those in other countries. It is simply unfair.

That is why new polling has shown that 9 out of 10 Americans support direct negotiations by the Federal Government for the price of a treatment for COVID–19 and why people are scared that they are going to be gouged for coronavirus treatment when it is available, just like they have been so often gouged by other drugs that their families have needed to stay healthy.

So the bottom line, Madam Speaker: We can have innovation and lower costs, and that is what this underlying bill does. This bill will establish a fair price negotiating program that rewards true innovation by directing the Secretary to prioritize a drug's research and development spending, as well as the extent to which a drug represents a true therapeutic advance over existing drugs.

Madam Speaker, I urge my colleagues to reject the motion to recommit. We know that, in the last few months, drug prices have gone up tremendously around the country, and drug prices increasingly take a larger percent of your healthcare cost. People simply can't afford it, and that is why this bill is necessary. Do not believe the false choice of my Republican colleagues.

Madam Speaker, I urge my colleagues to vote against the motion to recommit.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

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

The SPEAKER pro tempore. Pursuant to section 3 of House Resolution 965, the yeas and nays are ordered.

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

EMERGENCY HOUSING PROTECTIONS AND RELIEF ACT OF 2020

Ms. WATERS. Mr. Speaker, pursuant to House Resolution 1017, I call up the bill (H.R. 7301) to prevent evictions, foreclosures, and unsafe housing conditions resulting from the COVID–19 pandemic, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. CUELLAR). Pursuant to House Resolution 1017, the bill is considered read.

The text of the bill is as follows:

H.R. 7301

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Emergency Housing Protections and Relief Act of 2020''.

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

Sec. 1. Short title; table of contents.

TITLE I—PROTECTING RENTERS AND HOMEOWNERS FROM EVICTIONS AND FORECLOSURES

Sec. 101. Emergency rental assistance.
Sec. 102. Homeowner Assistance Fund.
Sec. 103. Protecting renters and homeowners from evictions and foreclosures.
Sec. 104. Liquidity for mortgage servicers and residential rental property owners.
Sec. 105. Rural rental assistance.
Sec. 106. Funding for public housing and tenant-based rental assistance.
Sec. 107. Supplemental funding for supportive housing for the elderly, supportive housing for persons with disabilities, supportive housing for persons with AIDS, and project-based section 8 rental assistance.
Sec. 108. Fair Housing.
Sec. 109. Funding for housing counseling services.

TITLE II—PROTECTING PEOPLE EXPERIENCING HOMELESSNESS

Sec. 201. Homeless assistance funding.
Sec. 202. Emergency rental assistance voucher program.

TITLE I—PROTECTING RENTERS AND HOMEOWNERS FROM EVICTIONS AND FORECLOSURES

SEC. 101. EMERGENCY RENTAL ASSISTANCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Housing and Urban Development (referred to in this section as the ''Secretary'') $100,000,000,000 for an additional amount for grants under the Emergency Solutions Grants program under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11371 et seq.), to remain available until expended (subject to subsections (d) and (n) of this section), to be used for providing short- or medium-term assistance with rent and rent-related costs (including tenant-paid utility costs, utility- and rent-arrears, fees charged for those arrears, and security and utility deposits) in accordance with paragraphs (4) and (5) of section 415(a) of such Act (42 U.S.C. 11374(a)) and this section.

(b) DEFINITION OF AT RISK OF HOMELESSNESS.—Notwithstanding section 401(1) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360(1)), for purposes of assistance made available with amounts made available pursuant to subsection (a), the term ''at risk of homelessness'' means, with respect to an individual or family, that the individual or family—

(1) has an income below 80 percent of the median income for the area as determined by the Secretary; and

(2) has an inability to attain or maintain housing stability or has insufficient resources to pay for rent or utilities due to financial hardships.

(c) INCOME TARGETING AND CALCULATION.—For purposes of assistance made available with amounts made available pursuant to subsection (a)—

(1) each recipient of such amounts shall use—

(A) not less than 40 percent of the amounts received only for providing assistance for individuals or families experiencing homelessness, or for persons or families at risk of homelessness who have incomes not exceeding 30 percent of the median income for the area as determined by the Secretary;

(B) not less than 70 percent of the amounts received only for providing assistance for individuals or families experiencing homelessness, or for persons or families at risk of homelessness who have incomes not exceeding 50 percent of the median income for the area as determined by the Secretary; and

(C) the remainder of the amounts received only for providing assistance to individuals or families experiencing homelessness, or for persons or families at risk of homelessness who have incomes not exceeding 80 percent of the median income for the area as determined by the Secretary, but such recipient may establish a higher percentage limit for purposes of subsection (b)(1), which shall not in any case exceed 120 percent of the area median income, if the recipient states that it will serve such population in its plan; and

(2) in determining the income of a household for homelessness prevention assistance—

(A) the calculation of income performed at the time of application for such assistance, including arrearages, shall consider only income that the household is currently receiving at such time and any income recently terminated shall not be included;

(B) any calculation of income performed with respect to households receiving ongoing assistance (such as medium-term rental assistance) 3 months after initial receipt of assistance shall consider only the income that the household is receiving at the time of such review; and

(C) the calculation of income performed with respect to households receiving assistance for arrearages shall consider only the income that the household was receiving at the time such arrearages were incurred.

(d) 3-YEAR AVAILABILITY.—

(1) IN GENERAL.—Each recipient of amounts made available pursuant to subsection (a) shall—

(A) expend not less than 60 percent of such grant amounts within 2 years of the date that such funds became available to the recipient for obligation; and

(B) expend 100 percent of such grant amounts within 3 years of such date.

(2) REALLOCATION AFTER 2 YEARS.—The Secretary may recapture any amounts not expended in compliance with paragraph (1)(A) and reallocate such amounts to recipients in compliance with the formula referred to in subsection (h)(1)(A).

(e) RENT RESTRICTIONS.—

(1) INAPPLICABILITY.—Section 576.106(d) of title 24, Code of Federal Regulations, shall not apply with respect to homelessness prevention assistance made available with amounts made available under subsection (a).

(2) AMOUNT OF RENTAL ASSISTANCE.—In providing homelessness prevention assistance with amounts made available under subsection (a), the maximum amount of rental assistance that may be provided shall be the greater of—

(A) 120 percent of the higher of—

(i) the Fair Market Rent established by the Secretary for the metropolitan area or county; or

(ii) the applicable Small Area Fair Market Rent established by the Secretary; or

(B) such higher amount as the Secretary shall determine is needed to cover market rents in the area.

(f) SUBLEASES.—A recipient shall not be prohibited from providing assistance authorized under subsection (a) with respect to subleases that are valid under State law.

(g) HOUSING RELOCATION OR STABILIZATION ACTIVITIES.—A recipient of amounts made available pursuant to subsection (a) may expend up to 25 percent of its allocation for activities under section 415(a)(5) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11374(a)(5)), except that notwithstanding such section, activities authorized under this subsection may be provided only for individuals or families who have incomes not exceeding 50 percent of the area median income and meet the criteria in subsection (b)(2) of this section or section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302). This subsection shall not apply to rent-related costs that are specifically authorized under subsection (a) of this section.

(h) ALLOCATION OF ASSISTANCE.—

(1) IN GENERAL.—In allocating amounts made available pursuant to subsection (a), the Secretary shall—

(A)(i) for any purpose authorized in this section—

(I) allocate 2 percent of such amount for Indian tribes and tribally designated housing entities (as such terms are defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103)) under the formula established pursuant to section 302 of such Act (25 U.S.C. 4152), except that 0.3 percent of the amount allocated under this clause shall be allocated for the Department of Hawaiian Home Lands; and

(II) allocate 0.3 percent of such amount for the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands;

(ii) not later than 30 days after the date of enactment of this Act, obligate and disburse the amounts allocated pursuant to clause (i) in accordance with such allocations and provide such recipient with any necessary guidance for use of the funds; and

(B)(i) not later than 7 days after the date of enactment of this Act and after setting aside amounts under subparagraph (A), allocate 50 percent of any such remaining amounts under the formula specified in subsections (a), (b), and (e) of section 414 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11373) for, and notify, each State, metropolitan city, and urban county that is to receive a direct grant of such amounts; and

(ii) not later than 30 days after the date of enactment of this Act, obligate and disburse the amounts allocated pursuant to clause (i)

in accordance with such allocations and provide such recipient with any necessary guidance for use of the funds; and

(C)(i) not later than 45 days after the date of enactment of this Act, allocate any remaining amounts for eligible recipients according to a formula to be developed by the Secretary that takes into consideration the formula referred to in subparagraph (A) and the need for emergency rental assistance under this section, including the severe housing cost burden among extremely low- and very low-income renters and disruptions in housing and economic conditions, including unemployment; and

(ii) not later than 30 days after the date of the allocation of such amounts pursuant to clause (i), obligate and disburse such amounts in accordance with such allocations.

(2) ALLOCATIONS TO STATES.—

(A) IN GENERAL.—Notwithstanding subsection (a) of section 414 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11373(a)) and section 576.202(a) of title 24, Code of Federal Regulations, a State recipient of an allocation under this section may elect to use up to 100 percent of its allocation to carry out activities eligible under this section directly.

(B) REQUIREMENT.—Any State recipient making an election described in subparagraph (A) shall serve households throughout the entire State, including households in rural communities and small towns.

(3) ELECTION NOT TO ADMINISTER.—If a recipient other than a State elects not to receive funds under this section, such funds shall be allocated to the State recipient in which the recipient is located.

(4) PARTNERSHIPS, SUBGRANTS, AND CONTRACTS.—A recipient of a grant under this section may distribute funds through partnerships, subgrants, or contracts with an entity, such as a public housing agency (as such term is defined in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b))), that is capable of carrying activities under this section.

(5) REVISION TO RULE.—The Secretary shall revise section 576.3 of tile 24, Code of Federal Regulations, to change the set aside for allocation to the territories to exactly 0.3 percent.

(i) INAPPLICABILITY OF MATCHING REQUIREMENT.—Subsection (a) of section 416 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11375(a)) shall not apply to any amounts made available pursuant to subsection (a) of this section.

(j) REIMBURSEMENT OF ELIGIBLE ACTIVITIES.—Amounts made available pursuant to subsection (a) may be used by a recipient to reimburse expenditures incurred for eligible activities under this section after March 27, 2020.

(k) PROHIBITION ON PREREQUISITES.—None of the funds made available pursuant to this section may be used to require any individual receiving assistance under the program under this section to receive treatment or perform any other prerequisite activities as a condition for receiving shelter, housing, or other services.

(l) WAIVERS AND ALTERNATIVE REQUIREMENTS.—

(1) IN GENERAL.—

(A) AUTHORITY.—In administering the amounts made available pursuant to subsection (a), the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of such amounts (except for requirements related to fair housing, nondiscrimination, labor standards, prohibition on prerequisites, minimum data reporting, and the environment), if the Secretary finds that good cause exists for the waiver or alternative requirement and such waiver or alternative requirement is necessary to expedite the use of funds made available pursuant to this section, to respond to public health orders or conditions related to the COVID-19 emergency, or to ensure that eligible individuals can attain or maintain housing stability.

(B) PUBLIC NOTICE.—The Secretary shall notify the public through the Federal Register or other appropriate means of any waiver or alternative requirement under this paragraph, and that such public notice shall be provided, at a minimum, on the internet at the appropriate Government website or through other electronic media, as determined by the Secretary.

(C) ELIGIBILITY REQUIREMENTS.—Eligibility for rental assistance or housing relocation and stabilization services shall not be restricted based upon the prior receipt of assistance under the program during the preceding three years.

(2) PUBLIC HEARINGS.—

(A) INAPPLICABILITY OF IN-PERSON HEARING REQUIREMENTS DURING THE COVID-19 EMERGENCY.—

(i) IN GENERAL.—A recipient under this section shall not be required to hold in-person public hearings in connection with its citizen participation plan, but shall provide citizens with notice, including publication of its plan for carrying out this section on the internet, and a reasonable opportunity to comment of not less than 5 days.

(ii) RESUMPTION OF IN-PERSON HEARING REQUIREMENTS.—After the period beginning on the date of enactment of this Act and ending on the date of the termination by the Federal Emergency Management Agency of the emergency declared on March 13, 2020, by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 4121 et seq.) relating to the Coronavirus Disease 2019 (COVID-19) pandemic, and after the period described in subparagraph (B), the Secretary shall direct recipients under this section to resume pre-crisis public hearing requirements.

(B) VIRTUAL PUBLIC HEARINGS.—

(i) IN GENERAL.—During the period that national or local health authorities recommend social distancing and limiting public gatherings for public health reasons, a recipient may fulfill applicable public hearing requirements for all grants from funds made available pursuant to this section by carrying out virtual public hearings.

(ii) REQUIREMENTS.—Any virtual hearings held under clause (i) by a recipient under this section shall provide reasonable notification and access for citizens in accordance with the recipient's certifications, timely responses from local officials to all citizen questions and issues, and public access to all questions and responses.

(m) CONSULTATION.—In addition to any other citizen participation and consultation requirements, in developing and implementing a plan to carry out this section, each recipient of funds made available pursuant to this section shall consult with the applicable Continuum or Continuums of Care for the area served by the recipient and organizations representing underserved communities and populations and organizations with expertise in affordable housing, fair housing, and services for people with disabilities.

(n) ADMINISTRATION.—

(1) BY SECRETARY.—Of any amounts made available pursuant to subsection (a)—

(A) not more than the lesser of 0.5 percent, or $15,000,000, may be used by the Secretary for staffing, training, technical assistance, technology, monitoring, research, and evaluation activities necessary to carry out the program carried out under this section, and such amounts shall remain available until September 30, 2024; and

(B) not more than $2,000,000 shall be available to the Office of the Inspector General for audits and investigations of the program authorized under this section.

(2) BY RECIPIENTS.—Notwithstanding section 576.108 of title 24 of the Code of Federal Regulations, with respect to amounts made available pursuant to this section, a recipient may use up to 10 percent of the recipient's grant for payment of administrative costs related to the planning and execution of activities.

SEC. 102. HOMEOWNER ASSISTANCE FUND.

(a) DEFINITIONS.—In this section:

(1) FUND.—The term ''Fund'' means the Homeowner Assistance Fund established under subsection (b).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury.

(3) STATE.—The term ''State'' means any State of the United States, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands.

(b) ESTABLISHMENT OF FUND.—There is established at the Department of the Treasury a Homeowner Assistance Fund to provide such funds as are made available under subsection (g) to State housing finance agencies for the purpose of preventing homeowner mortgage defaults, foreclosures, and displacements of individuals and families experiencing financial hardship after January 21, 2020.

(c) ALLOCATION OF FUNDS.—

(1) ADMINISTRATION.—Of any amounts made available for the Fund, the Secretary of the Treasury may allocate, in the aggregate, an amount not exceeding 5 percent—

(A) to the Office of Financial Stability established under section 101(a) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211(a)) to administer and oversee the Fund, and to provide technical assistance to States for the creation and implementation of State programs to administer assistance from the Fund; and

(B) to the Inspector General of the Department of the Treasury for oversight of the program under this section.

(2) FOR STATES.—The Secretary shall establish such criteria as are necessary to allocate the funds available within the Fund for each State. The Secretary shall allocate such funds among all States taking into consideration the number of unemployment claims within a State relative to the nationwide number of unemployment claims.

(3) SMALL STATE MINIMUM.—The amount allocated for each State shall not be less than $250,000,000.

(4) SET-ASIDE FOR INSULAR AREAS.—Notwithstanding any other provision of this section, of any amounts authorized to be appropriated pursuant to subsection (g), the Secretary shall reserve $200,000,000 to be disbursed to Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands based on each such territory's share of the combined total population of all such territories, as determined by the Secretary. For the purposes of this paragraph, population shall be determined based on the most recent year for which data are available from the United States Census Bureau.

(5) SET-ASIDE FOR INDIAN TRIBES AND NATIVE HAWAIIANS.——

(A) INDIAN TRIBES.—Notwithstanding any other provision of this section, of any amounts authorized to be appropriated pursuant to subsection (g), the Secretary shall use 5 percent to make grants in accordance

with subsection (f) to eligible recipients for the purposes described in subsection (e)(1).

(B) NATIVE HAWAIIANS.— Of the funds set aside under subparagraph (A), the Secretary shall use 0.3 percent to make grants to the Department of Hawaiian Home Lands in accordance with subsection (f) for the purposes described in subsection (e)(1).

(d) DISBURSEMENT OF FUNDS.—

(1) ADMINISTRATION.—Except for amounts made available for assistance under subsection (f), State housing finance agencies shall be primarily responsible for administering amounts disbursed from the Fund, but may delegate responsibilities and sub-allocate amounts to community development financial institutions and State agencies that administer Low-Income Home Energy Assistance Program of the Department of Health and Human Services.

(2) NOTICE OF FUNDING.—The Secretary shall provide public notice of the amounts that will be made available to each State and the method used for determining such amounts not later than the expiration of the 14-day period beginning on the date of the enactment of this Act of enactment.

(3) SHFA PLANS.—

(A) ELIGIBILITY.—To be eligible to receive funding allocated for a State under the section, a State housing finance agency for the State shall submit to the Secretary a plan for the implementation of State programs to administer, in part or in full, the amount of funding the state is eligible to receive, which shall provide for the commencement of receipt of applications by homeowners for assistance, and funding of such applications, not later than the expiration of the 6-month period beginning upon the approval under this paragraph of such plan.

(B) MULTIPLE PLANS.—. A State housing finance agency may submit multiple plans, each covering a separate portion of funding for which the State is eligible.

(C) TIMING.—The Secretary shall approve or disapprove a plan within 30 days after the plan's submission and, if disapproved, explain why the plan could not be approved.

(D) DISBURSEMENT UPON APPROVAL.—The Secretary shall disburse to a State housing finance agency the appropriate amount of funding upon approval of the agency's plan.

(E) AMENDMENTS.—A State housing finance agency may subsequently amend a plan that has previously been approved, provided that any plan amendment shall be subject to the approval of the Secretary. The Secretary shall approve any plan amendment or disapprove such amendment explain why the plan amendment could not be approved within 45 days after submission to the Secretary of such amendment.

(F) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance for any State housing finance agency that twice fails to have a submitted plan approved.

(4) PLAN TEMPLATES.—The Secretary shall, not later than 30 days after the date of the enactment of this Act, publish templates that States may utilize in drafting the plans required under paragraph (3)(A). The template plans shall include standard program terms and requirements, as well as any required legal language, which State housing finance agencies may modify with the consent of the Secretary.

(e) PERMISSIBLE USES OF FUND.—

(1) IN GENERAL.—Funds made available to State housing finance agencies pursuant to this section may be used for the purposes established under subsection (b), which may include—

(A) mortgage payment assistance, including financial assistance to allow a borrower to reinstate their mortgage or to achieve a more affordable mortgage payment, which may include principal reduction or rate reduction, provided that any mortgage payment assistance is tailored to a borrower's needs and their ability to repay, and takes into consideration the loss mitigation options available to the borrower;

(B) assistance with payment of taxes, hazard insurance, flood insurance, mortgage insurance, or homeowners' association fees;

(C) utility payment assistance, including electric, gas, water, and internet service, including broadband internet access service (as such term is defined in section 8.1(b) of title 47, Code of Federal Regulations (or any successor regulation));

(D) reimbursement of funds expended by a State or local government during the period beginning on January 21, 2020, and ending on the date that the first funds are disbursed by the State under the Fund, for the purpose of providing housing or utility assistance to individuals or otherwise providing funds to prevent foreclosure or eviction of a homeowner or prevent mortgage delinquency or loss of housing or critical utilities as a response to the coronavirus disease 2019 (COVID–19) pandemic; and

(E) any other assistance for homeowners to prevent eviction, mortgage delinquency or default, foreclosure, or the loss of essential utility services.

(2) TARGETING.—

(A) REQUIREMENT.—Not less than 60 percent of amounts made available for each State or other entity allocated amounts under subsection (c) shall be used for activities under paragraph (1) that assist homeowners having incomes equal to or less than 80 percent of the area median income.

(B) DETERMINATION OF INCOME.— In determining the income of a household for purposes of this paragraph, income shall be considered to include only income that the household is receiving at the time of application for assistance from the Fund and any income recently terminated shall not be included, except that for purposes of households receiving assistance for arrearages income shall include only the income that the household was receiving at the time such arrearages were incurred.

(C) LANGUAGE ASSISTANCE.—Each State housing finance agency or other entity allocated amounts under subsection (c) shall make available to each applicant for assistance from amounts from the Fund language assistance in any language that such language assistance is available in and shall provide notice to each such applicant that such language assistance is available.

(3) ADMINISTRATIVE EXPENSES.—Not more than 15 percent of the amount allocated to a State pursuant to subsection (c) may be used by a State housing financing agency for administrative expenses. Any amounts allocated to administrative expenses that are no longer necessary for administrative expenses may be used in accordance with paragraph (1).

(f) TRIBAL AND NATIVE HAWAIIAN ASSISTANCE.—

(1) DEFINITIONS.—In this subsection:

(A) DEPARTMENT OF HAWAIIAN HOME LANDS.—The term ''Department of Hawaiian Home Lands'' has the meaning given the term in section 801 of the Native American Housing Assistance and Self-Determination Act of 1996 (42 U.S.C. 4221).

(B) ELIGIBLE RECIPIENT.—The term ''eligible recipient'' means any entity eligible to receive a grant under section 101 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111).

(2) REQUIREMENTS.—

(A) ALLOCATION.—Except for the funds set aside under subsection (c)(5)(B), the Secretary shall allocate the funds set aside under subsection (c)(5)(A) using the allocation formula described in subpart D of part 1000 of title 24, Code of Federal Regulations (or any successor regulations).

(B) NATIVE HAWAIIANS.—The Secretary shall use the funds made available under subsection (c)(5)(B) in accordance with part 1006 of title 24, Code of Federal Regulations (or successor regulations).

(3) TRANSFER.—The Secretary shall transfer any funds made available under subsection (c)(5) that have not been allocated by an eligible recipient or the Department of Hawaiian Home Lands, as applicable, to provide the assistance described in subsection (e)(1) by December 31, 2030, to the Secretary of Housing and Urban Development to carry out the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.).

(g) FUNDING.—There is authorized to be appropriated to the Homeowner Assistance Fund established under subsection (b) $75,000,000,000, to remain available until expended or transferred or credited under subsection (i).

(h) USE OF HOUSING FINANCE AGENCY INNOVATION FUND FOR THE HARDEST HIT HOUSING MARKETS FUNDS.—A State housing finance agency may reallocate any administrative or programmatic funds it has received as an allocation from the Housing Finance Agency Innovation Fund for the Hardest Hit Housing Markets created pursuant to section 101(a) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211(a)) that have not been otherwise allocated or disbursed as of the date of enactment of this Act to supplement any administrative or programmatic funds received from the Housing Assistance Fund. Such reallocated funds shall not be considered when allocating resources from the Housing Assistance Fund using the process established under subsection (c) and shall remain available for the uses permitted and under the terms and conditions established by the contract with Secretary created pursuant to subsection (d)(1) and the terms of subsection (i).

(i) REPORTING REQUIREMENTS.—The Secretary shall provide public reports not less frequently than quarterly regarding the use of funds provided by the Homeowner Assistance Fund. Such reports shall include the following data by State and by program within each State, both for the past quarter and throughout the life of the program—

(1) the amount of funds allocated;

(2) the amount of funds disbursed;

(3) the number of households and individuals assisted;

(4) the acceptance rate of applicants;

(5) the type or types of assistance provided to each household;

(6) whether the household assisted had a federally backed loan and identification of the Federal entity backing such loan;

(7) the average amount of funding provided per household receiving assistance and per type of assistance provided;

(8) the average number of monthly payments that were covered by the funding amount that a household received, as applicable, disaggregated by type of assistance provided;

(9) the income level of each household receiving assistance; and

(10) the outcome 12 months after the household has received assistance.

Each report under this subsection shall disaggregate the information provided under paragraphs (3) through (10) by State, zip code, racial and ethnic composition of the household, and whether or not the person from the household applying for assistance speaks English as a second language.

SEC. 103. PROTECTING RENTERS AND HOMEOWNERS FROM EVICTIONS AND FORECLOSURES.

(a) EVICTION MORATORIUM.—The CARES Act is amended by striking section 4024 (15

U.S.C. 9058; Public Law 116–136; 134 Stat. 492) and inserting the following new section:

"SEC. 4024. TEMPORARY MORATORIUM ON EVICTION FILINGS.

''(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

''(1) according to the 2018 American Community Survey, 36 percent of households in the United States—more than 43 million households—are renters;

''(2) in 2019 alone, renters in the United States paid $512 billion in rent;

''(3) according to the Joint Center for Housing Studies of Harvard University, 20.8 million renters in the United States spent more than 30 percent of their incomes on housing in 2018 and 10.9 million renters spent more than 50 percent of their incomes on housing in the same year;

''(4) according to data from the Department of Labor, more than 30 million people have filed for unemployment since the COVID-19 pandemic began;

''(5) the impacts of the spread of COVID-19, which is now considered a global pandemic, are expected to negatively impact the incomes of potentially millions of renter households, making it difficult for them to pay their rent on time; and

''(6) evictions in the current environment would increase homelessness and housing instability which would be counterproductive towards the public health goals of keeping individuals in their homes to the greatest extent possible.

''(b) MORATORIUM.—During the period beginning on the date of the enactment of this Act and ending 12 months after such date of enactment, the lessor of a covered dwelling located in such State may not make, or cause to be made, any filing with the court of jurisdiction to initiate a legal action to recover possession of the covered dwelling from the tenant for nonpayment of rent or other fees or charges.

''(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) COVERED DWELLING.—The term 'covered dwelling' means a dwelling that is occupied by a tenant—

''(A) pursuant to a residential lease; or

''(B) without a lease or with a lease terminable at will under State law.

''(2) DWELLING.—The term 'dwelling' has the meaning given such term in section 802 of the Fair Housing Act (42 U.S.C. 3602) and includes houses and dwellings described in section 803(b) of such Act (42 U.S.C. 3603(b)).

''(d) NOTICE TO VACATE AFTER MORATORIUM EXPIRATION DATE.—After the expiration of the period described in subsection (b), the lessor of a covered dwelling may not require the tenant to vacate the covered dwelling by reason of nonpayment of rent or other fees or charges before the expiration of the 30-day period that begins upon the provision by the lessor to the tenant, after the expiration of the period described in subsection (b), of a notice to vacate the covered dwelling.''.

(b) MORTGAGE RELIEF.—

(1) FORBEARANCE AND FORECLOSURE MORATORIUM FOR COVERED MORTGAGE LOANS.—Section 4022 of the CARES Act (15 U.S.C. 9056) is amended—

(A) by striking ''Federally backed mortgage loan'' each place such term appears and inserting ''covered mortgage loan''; and

(B) in subsection (a)—

(i) by amending paragraph (2) to read as follows:

''(2) COVERED MORTGAGE LOAN.—The term 'covered mortgage loan' means any credit transaction that is secured by a mortgage, deed of trust, or other equivalent consensual security interest on a 1- to 4-unit dwelling or on residential real property that includes a 1- to 4-unit dwelling, except that it shall not include a credit transaction under an open end credit plan other than a reverse mortgage.''; and

(ii) by adding at the end the following:

''(3) COVERED PERIOD.—With respect to a loan, the term 'covered period' means the period beginning on the date of enactment of this Act and ending 12 months after such date of enactment.''.

(2) AUTOMATIC FORBEARANCE FOR DELINQUENT BORROWERS.—Section 4022(c) of the CARES Act (15 U.S.C. 9056(c)), as amended by paragraph (5) of this subsection, is further amended by adding at the end the following:

''(9) AUTOMATIC FORBEARANCE FOR DELINQUENT BORROWERS.—

''(A) IN GENERAL.—Notwithstanding any other law governing forbearance relief—

''(i) any borrower whose covered mortgage loan became 60 days delinquent between March 13, 2020, and the date of enactment of this paragraph, and who has not already received a forbearance under subsection (b), shall automatically be granted a 60-day forbearance that begins on the date of enactment of this paragraph, provided that a borrower shall not be considered delinquent for purposes of this paragraph while making timely payments or otherwise performing under a trial modification or other loss mitigation agreement; and

''(ii) any borrower whose covered mortgage loan becomes 60 days delinquent between the date of enactment of this paragraph and the end of the covered period, and who has not already received a forbearance under subsection (b), shall automatically be granted a 60-day forbearance that begins on the 60th day of delinquency, provided that a borrower shall not be considered delinquent for purposes of this paragraph while making timely payments or otherwise performing under a trial modification or other loss mitigation agreement.

''(B) INITIAL EXTENSION.—An automatic forbearance provided under subparagraph (A) shall be extended for up to an additional 120 days upon the borrower's request, oral or written, submitted to the borrower's servicer affirming that the borrower is experiencing a financial hardship that prevents the borrower from making timely payments on the covered mortgage loan due, directly or indirectly, to the COVID–19 emergency.

''(C) SUBSEQUENT EXTENSION.—A forbearance extended under subparagraph (B) shall be extended for up to an additional 180 days, up to a maximum of 360 days (including the period of automatic forbearance), upon the borrower's request, oral or written, submitted to the borrower's servicer affirming that the borrower is experiencing a financial hardship that prevents the borrower from making timely payments on the covered mortgage loan due, directly or indirectly, to the COVID–19 emergency.

''(D) RIGHT TO ELECT TO CONTINUE MAKING PAYMENTS.—With respect to a forbearance provided under this paragraph, the borrower of such loan may elect to continue making regular payments on the loan. A borrower who makes such election shall be offered a loss mitigation option pursuant to subsection (d) within 30 days of resuming regular payments to address any payment deficiency during the forbearance.

''(E) RIGHT TO SHORTEN FORBEARANCE.—At a borrower's request, any period of forbearance provided under this paragraph may be shortened. A borrower who makes such a request shall be offered a loss mitigation option pursuant to subsection (d) within 30 days of resuming regular payments to address any payment deficiency during the forbearance.

''(10) AUTOMATIC FORBEARANCE FOR CERTAIN REVERSE MORTGAGE LOANS.—

''(A) IN GENERAL.—When any covered mortgage loan which is also a federally-insured reverse mortgage loan, during the covered period, is due and payable due to the death of the last borrower or end of a deferral period or eligible to be called due and payable due to a property charge default, or if the borrower defaults on a property charge repayment plan, or if the borrower defaults for failure to complete property repairs, or if an obligation of the borrower under the Security Instrument is not performed, the mortgagee automatically shall be granted a six-month extension of—

''(i) the mortgagee's deadline to request due and payable status from the Department of Housing and Urban Development;

''(ii) the mortgage's deadline to send notification to the mortgagor or his or her heirs that the loan is due and payable;

''(iii) the deadline to initiate foreclosure;

''(iv) any reasonable diligence period related to foreclosure or the Mortgagee Optional Election;

''(v) if applicable, the deadline to obtain the due and payable appraisal; and

''(vi) any claim submission deadline, including the 6-month acquired property marketing period.

''(B) FORBEARANCE PERIOD.—The mortgagee shall not request due and payable status from the Secretary of Housing and Urban Development nor initiate foreclosure during this six-month period described under subparagraph (A), which shall be considered a forbearance period.

''(C) EXTENSION.—A forbearance provided under subparagraph (B) and related deadline extension authorized under subparagraph (A) shall be extended for an additional 180 days upon—

''(i) the borrower's request, oral or written, submitted to the borrower's servicer affirming that the borrower is experiencing a financial hardship that prevents the borrower from making payments on property charges, completing property repairs, or performing an obligation of the borrower under the Security Instrument due, directly or indirectly, to the COVID–19 emergency;

''(ii) a non-borrowing spouse's request, oral or written, submitted to the servicer affirming that the non-borrowing spouse has been unable to satisfy all criteria for the Mortgagee Optional Election program due, directly or indirectly, to the COVID-19 emergency, or to perform all actions necessary to become an eligible non-borrowing spouse following the death of all borrowers; or

''(iii) a successor-in-interest of the borrower's request, oral or written, submitted to the servicer affirming the heir's difficulty satisfying the reverse mortgage loan due, directly or indirectly, to the COVID-19 emergency.

''(D) CURTAILMENT OF DEBENTURE INTEREST.—Where any covered mortgage loan which is also a federally insured reverse mortgage loan is in default during the covered period and subject to a prior event which provides for curtailment of debenture interest in connection with a claim for insurance benefits, the curtailment of debenture interest shall be suspended during any forbearance period provided herein.''.

(3) ADDITIONAL FORECLOSURE AND REPOSSESSION PROTECTIONS.—Section 4022(c) of the CARES Act (15 U.S.C. 9056(c)) is amended—

(A) in paragraph (2), by striking ''may not initiate any judicial or non-judicial foreclosure process, move for a foreclosure judgment or order of sale, or execute a foreclosure-related eviction or foreclosure sale for not less than the 60-day period beginning on March 18, 2020'' and inserting ''may not initiate or proceed with any judicial or non-judicial foreclosure process, schedule a foreclosure sale, move for a foreclosure judgment or order of sale, execute a foreclosure related eviction or foreclosure sale for six

months after the date of enactment of the Emergency Housing Protections and Relief Act of 2020''; and

(B) by adding at the end the following:

''(3) REPOSSESSION MORATORIUM.—In the case of personal property, including any recreational or motor vehicle, used as a dwelling, no person may use any judicial or nonjudicial procedure to repossess or otherwise take possession of such property for six months after date of enactment of this paragraph.''.

(4) MORTGAGE FORBEARANCE REFORMS.—Section 4022 of the CARES Act (15 U.S.C. 9056) is amended—

(A) in subsection (b), by striking paragraphs (1), (2), and (3) and inserting the following:

''(1) IN GENERAL.—During the covered period, a borrower with a covered mortgage loan who has not obtained automatic forbearance pursuant to this section and who is experiencing a financial hardship that prevents the borrower from making timely payments on the covered mortgage loan due, directly or indirectly, to the COVID–19 emergency may request forbearance on the loan, regardless of delinquency status, by—

''(A) submitting a request, orally or in writing, to the servicer of the loan; and

''(B) affirming that the borrower is experiencing a financial hardship that prevents the borrower from making timely payments on the covered mortgage loan due, directly or indirectly, to the COVID–19 emergency.

''(2) DURATION OF FORBEARANCE.—

''(A) IN GENERAL.—Upon a request by a borrower to a servicer for forbearance under paragraph (1), such forbearance shall be granted by the servicer for the period requested by the borrower, up to an initial length of 180 days, the length of which shall be extended by the servicer, at the request of the borrower for the period or periods requested, for a total forbearance period of up to 12-months.

''(B) MINIMUM FORBEARANCE AMOUNTS.—For purposes of granting a forbearance under this paragraph, a servicer may grant an initial forbearance with a term of not less than 90 days, provided that it is automatically extended for an additional 90 days unless the servicer confirms the borrower does not want to renew the forbearance or that the borrower is no longer experiencing a financial hardship that prevents the borrower from making timely mortgage payments due, directly or indirectly, to the COVID–19 emergency.

''(C) RIGHT TO SHORTEN FORBEARANCE.—At a borrower's request, any period of forbearance described under this paragraph may be shortened. A borrower who makes such a request shall be offered a loss mitigation option pursuant to subsection (d) within 30 days of resuming regular payments to address any payment deficiency during the forbearance.

''(3) ACCRUAL OF INTEREST OR FEES.—A servicer shall not charge a borrower any fees, penalties, or interest (beyond the amounts scheduled or calculated as if the borrower made all contractual payments on time and in full under the terms of the mortgage contract) in connection with a forbearance, provided that a servicer may offer the borrower a modification option at the end of a forbearance period granted hereunder that includes the capitalization of past due principal and interest and escrow payments as long as the borrower's principal and interest payment under such modification remains at or below the contractual principal and interest payments owed under the terms of the mortgage contract before such forbearance period except as the result of a change in the index of an adjustable rate mortgage.

''(4) COMMUNICATION WITH SERVICERS.—Any communication between a borrower and a servicer described under this section may be made in writing or orally, at the borrower's choice.

''(5) COMMUNICATION WITH BORROWERS WITH A DISABILITY.—Upon request from a borrower, servicers shall communicate with borrowers who have a disability in the borrower's preferred method of communication. For purposes of this paragraph, the term 'disability' has the meaning given that term in the Fair Housing Act, the Americans with Disabilities Act of 1990, or the Rehabilitation Act of 1973.''; and

(B) in subsection (c), by amending paragraph (1) to read as follows:

''(1) NO DOCUMENTATION REQUIRED.—A servicer of a covered mortgage loan shall not require any documentation with respect to a forbearance under this section other than the borrower's affirmation (oral or written) to a financial hardship that prevents the borrower from making timely payments on the covered mortgage loan due, directly or indirectly, to the COVID–19 emergency. An oral request for forbearance and oral affirmation of hardship by the borrower shall be sufficient for the borrower to obtain or extend a forbearance.''.

(5) OTHER SERVICER REQUIREMENTS DURING FORBEARANCE.—Section 4022(c) of the CARES Act (15 U.S.C. 9056(c)), as amended by paragraph (3) of this subsection, is further amended by adding at the end the following:

''(4) FORBEARANCE TERMS NOTICE.—Within 30 days of a servicer of a covered mortgage loan providing forbearance to a borrower under subsection (b) or paragraph (9) or (10), or 10 days if the forbearance is for a term of less than 60 days, but only where the forbearance was provided in response to a borrower's request for forbearance or when an automatic forbearance was initially provided under paragraph (9) or (10), and not when an existing forbearance is automatically extended, the servicer shall provide the borrower with a notice in accordance with the terms in paragraph (5).

''(5) CONTENTS OF NOTICE.—The written notice required under paragraph (4) shall state in plain language—

''(A) the specific terms of the forbearance;

''(B) the beginning and ending dates of the forbearance;

''(C) that the borrower is eligible for up to 12 months of forbearance;

''(D) that the borrower may request an extension of the forbearance unless the borrower will have reached the maximum period at the end of the forbearance;

''(E) that the borrower may request that the initial or extended period be shortened at any time;

''(F) that the borrower should contact the servicer before the end of the forbearance period;

''(G) a description of the loss mitigation options that may be available to the borrower at the end of the forbearance period based on the borrower's specific loan;

''(H) information on how to find a housing counseling agency approved by the Department of Housing and Urban Development;

''(I) in the case of a forbearance provided pursuant to paragraph (9) or (10), that the forbearance was automatically provided and how to contact the servicer to make arrangements for further assistance, including any renewal; and

''(J) where applicable, that the forbearance is subject to an automatic extension including the terms of any such automatic extensions and when any further extension would require a borrower request.

''(6) TREATMENT OF ESCROW ACCOUNTS.—During any forbearance provided under this section, a servicer shall pay or advance funds to make disbursements in a timely manner from any escrow account established on the covered mortgage loan.

''(7) NOTIFICATION FOR BORROWERS.—During the period that begins 90 days after the date of the enactment of this paragraph and ends at the end of the covered period, each servicer of a covered mortgage loan shall be required to—

''(A) make available in a clear and conspicuous manner on their webpage accurate information, in English and Spanish, for borrowers regarding the availability of forbearance as provided under subsection (b); and

''(B) notify every borrower whose payments on a covered mortgage loan are delinquent in any oral communication with or to the borrower that the borrower may be eligible to request forbearance as provided under subsection (b), except that such notice shall not be required if the borrower already has requested forbearance under subsection (b).

''(8) CERTAIN TREATMENT UNDER RESPA.—As long as a borrower's payment on a covered mortgage loan was not more than 30 days delinquent on March 13, 2020, a servicer may not deem the borrower as delinquent while a forbearance granted under subsection (b) is in effect for purposes of the application of sections 6 and 10 of the Real Estate Settlement Procedures Act and any applicable regulations.''.

(6) POST-FORBEARANCE LOSS MITIGATION.—

(A) AMENDMENT TO CARES ACT.—Section 4022 of the CARES Act (15 U.S.C. 9056) is amended by adding at the end the following:

''(d) POST-FORBEARANCE LOSS MITIGATION.—

''(1) NOTICE OF AVAILABILITY OF ADDITIONAL FORBEARANCE.—With respect to any covered mortgage loan as to which forbearance under this section has been granted and not otherwise extended, including by automatic extension, a servicer shall, no later than 30 days before the end of the forbearance period, in writing, notify the borrower that additional forbearance may be available and how to request such forbearance, except that no such notice is required where the borrower already has requested an extension of the forbearance period, is subject to automatic extension pursuant to subsection (b)(2)(B), or no additional forbearance is available.

''(2) LOSS MITIGATION OFFER BEFORE EXPIRATION OF FORBEARANCE.—No later than 30 days before the end of any forbearance period that has not been extended or 30 days after a request by a consumer to terminate the forbearance, which time shall be before the servicer initiates or engages in any foreclosure activity listed in subsection (c)(2), including incurring or charging to a borrower any fees or corporate advances related to a foreclosure, the servicer shall, in writing—

''(A) offer the borrower a loss mitigation option, without the charging of any fees or penalties other than interest, such that the borrower's principal and interest payment remains the same as it was prior to the forbearance, subject to any adjustment of the index pursuant to the terms of an adjustable rate mortgage, and that either—

''(i) defers the payment of total arrearages, including any escrow advances, to the end of the existing term of the loan, without the charging or collection of any additional interest on the deferred amounts; or

''(ii) extends the term of the mortgage loan, and capitalizes, defers, or forgives all escrow advances and other arrearages;

provided, however, that the servicer may offer the borrower a loss mitigation option that reduces the principal and interest payment on the loan and capitalizes, defers, or forgives all escrow advances or arrearages if the servicer has information indicating that

the borrower cannot resume the pre-forbearance mortgage payments; and

''(B) concurrent with the loss mitigation offer in subparagraph (A), notify the borrower that the borrower has the right to be evaluated for other loss mitigation options if the borrower is not able to make the payment under the option offered in subparagraph (A).

''(3) EVALUATION FOR LOSS MITIGATION PRIOR TO FORECLOSURE INITIATION.—Before a servicer may initiate or engage in any foreclosure activity listed in subsection (c)(2), including incurring or charging to a borrower any fees or corporate advances related to a foreclosure on the basis that the borrower has failed to perform under the loss mitigation offer in paragraph (2)(A) within the first 90 days after the option is offered, including a failure to accept the loss mitigation offer in paragraph (2)(A), the servicer shall—

''(A) unless the borrower has already submitted a complete application that the servicer is reviewing—

''(i) notify the borrower in writing of the documents and information, if any, needed by the servicer to enable the servicer to consider the borrower for all available loss mitigation options;

''(ii) exercise reasonable diligence to obtain the documents and information needed to complete the borrower's loss mitigation application;

''(B) upon receipt of a complete application or if, despite the servicer's exercise of reasonable diligence, the loss mitigation application remains incomplete sixty days after the notice in paragraph (2)(A) is sent, conduct an evaluation of the complete or incomplete loss mitigation application without reference to whether the borrower has previously submitted a complete loss mitigation application and offer the borrower all available loss mitigation options for which the borrower qualifies under applicable investor guidelines, including guidelines regarding required documentation.

''(4) EFFECT ON FUTURE REQUESTS FOR LOSS MITIGATION REVIEW.—An application, offer, or evaluation for loss mitigation under this section shall not be the basis for the denial of a borrower's application as duplicative or for a reduction in the borrower's appeal rights under Regulation X (12 C.F.R. 1024) in regard to any loss mitigation application submitted after the servicer has complied with the requirements of paragraphs (2) and (3).

''(5) SAFE HARBOR.—Any loss mitigation option authorized by the Federal National Mortgage Association, the Federal Home Loan Corporation, or the Federal Housing Administration that either—

''(A) defers the payment of total arrearages, including any escrow advances, to the end of the existing term of the loan, without the charging or collection of any additional interest on the deferred amounts, or

''(B) extends the term of the mortgage loan, and capitalizes, defers, or forgives all escrow advances and other arrearages, without the charging of any fees or penalties beyond interest on any amount capitalized into the loan principal,

shall be deemed to comply with the requirements of paragraph (1)(B).

''(6) HOME RETENTION OPTIONS FOR CERTAIN REVERSE MORTGAGE LOANS.—

''(A) IN GENERAL.—For a covered mortgage loan which is also a federally-insured reverse mortgage loan, a servicer's conduct shall be deemed to comply with this section provided that if the loan is eligible to be called due and payable due to a property charge default, the mortgagee shall, as a precondition to sending a due and payable request to the Secretary or initiating or continuing a foreclosure process—

''(i) make a good faith effort to communicate with the borrower regarding available home retention options to cure the property charge default, including encouraging the borrower to apply for home retention options; and

''(ii) consider the borrower for all available home retention options as allowed by the Secretary.

''(B) PERMISSIBLE REPAYMENT PLANS.—The Secretary shall amend its allowable home retention options to permit a repayment plan of up to 120 months in length, and to permit a repayment plan without regard to prior defaults on repayment plans.

''(C) LIMITATION ON INTEREST CURTAILMENT.—The Secretary may not curtail interest paid to mortgagees who engage in loss mitigation or home retention actions through interest curtailment during such loss mitigation or home retention review or during the period when a loss mitigation or home retention plan is in effect and ending 90 days after any such plan terminates.''.

(B) AMENDMENT TO HOUSING ACT OF 1949.—Section 505 of the Housing Act of 1949 (42 U.S.C. 1475) is amended—

(i) by striking the section heading and inserting ''LOSS MITIGATION AND FORECLOSURE PROCEDURES'';

(ii) in subsection (a), by striking the section designation and all that follows through ''During any'' and inserting the following:

''SEC. 505. (a) MORATORIUM.—(1) In determining a borrower's eligibility for relief, the Secretary shall make all eligibility decisions based on the borrower's household's income, expenses, and circumstances.

''(2) During any''.

(iii) by redesignating subsection (b) as subsection (c); and

(iv) by inserting after subsection (a) the following new subsection:

''(b) LOAN MODIFICATION.—(1) Notwithstanding any other provision of this title, for any loan made under section 502 or 504, the Secretary may modify the interest rate and extend the term of such loan for up to 30 years from the date of such modification.

''(2) At the end of any moratorium period granted under this section or under the Emergency Housing Protections and Relief Act of 2020, the Secretary shall determine whether the borrower can reasonably resume making principal and interest payments after the Secretary modifies the borrower's loan obligations in accordance with paragraph (1).''.

(7) MULTIFAMILY MORTGAGE FORBEARANCE.—Section 4023 of the CARES Act (15 U.S.C. 9057) is amended—

(A) by striking ''Federally backed multifamily mortgage loan'' each place such term appears and inserting ''multifamily mortgage loan'';

(B) in subsection (b), by striking ''during'' and inserting ''due, directly or indirectly, to'';

(C) in subsection (c)(1)—

(i) in subparagraph (A), by adding ''and'' at the end;

(ii) by striking subparagraphs (B) and (C) and inserting the following:

''(B) provide the forbearance for up to the end of the period described under section 4024(b).''; and

(D) by redesignating subsection (f) as subsection (g);

(E) by inserting after subsection (e) the following:

''(f) TREATMENT AFTER FORBEARANCE.—With respect to a multifamily mortgage loan provided a forbearance under this section, the servicer of such loan—

''(1) shall provide the borrower with a 12-month period beginning at the end of such forbearance to become current on the payments under such loan;

''(2) may not charge any late fees, penalties, or other charges with respect to payments on the loan that were due during the forbearance period, if such payments are made before the end of the 12-month period; and

''(3) may not report any adverse information to a credit rating agency (as defined under section 603 of the Fair Credit Reporting Act with respect to any payments on the loan that were due during the forbearance period, if such payments are made before the end of the 12-month period.).''; and

(F) in subsection (g), as so redesignated—

(i) in paragraph (2)—

(I) by striking ''that—'' and all that follows through ''(A) is secured by'' and inserting ''that is secured by'';

(II) by striking ''; and'' and inserting a period; and

(III) by striking subparagraph (B); and

(ii) by amending paragraph (5) to read as follows:

''(5) COVERED PERIOD.—With respect to a loan, the term 'covered period' has the meaning given that term under section 4022(a)(3).''.

(8) RENTER PROTECTIONS DURING FORBEARANCE PERIOD.— A borrower that receives a forbearance pursuant to section 4022 or 4023 of the CARES Act (15 U.S.C. 9056 or 9057) may not, for the duration of the forbearance—

(A) evict or initiate the eviction of a tenant solely for nonpayment of rent or other fees or charges; or

(B) charge any late fees, penalties, or other charges to a tenant for late payment of rent.

(9) EXTENSION OF GSE PATCH.—

(A) NON-APPLICABILITY OF EXISTING SUNSET.—Section 1026.43(e)(4)(iii)(B) of title 12, Code of Federal Regulations, shall have no force or effect.

(B) EXTENDED SUNSET.—The special rules in section 1026.43(e)(4) of title 12, Code of Federal Regulations, shall apply to covered transactions consummated prior to June 1, 2022, or such later date as the Director of the Bureau of Consumer Financial Protection may determine, by rule.

(10) SERVICER SAFE HARBOR FROM INVESTOR LIABILITY.—

(A) SAFE HARBOR.—

(i) IN GENERAL.—A servicer of covered mortgage loans or multifamily mortgage loans shall be deemed not to have violated any duty or contractual obligation owed to investors or other parties regarding such mortgage loans on account of offering or implementing in good faith forbearance during the covered period or offering or implementing in good faith post-forbearance loss mitigation (including after the expiration of the covered period) in accordance with the terms of sections 4022 and 4023 of the CARES Act to borrowers, respectively, on covered or multifamily mortgage loans that it services and shall not be liable to any party who is owed such a duty or obligation or subject to any injunction, stay, or other equitable relief to such party on account of such offer or implementation of forbearance or post-forbearance loss mitigation.

(ii) OTHER PERSONS.—Any person, including a trustee of a securitization vehicle or other party involved in a securitization or other investment vehicle, who in good faith cooperates with a servicer of covered or multifamily mortgage loans held by that securitization or investment vehicle to comply with the terms of section 4022 and 4023 of the CARES Act, respectively, to borrowers on covered or multifamily mortgage loans owned by the securitization or other investment vehicle shall not be liable to any party who is owed such a duty or obligation or subject to any injunction, stay, or other equitable relief to such party on account of its cooperation with an offer or implementation

of forbearance during the covered period or post-forbearance loss mitigation, including after the expiration of the covered period.

(B) STANDARD INDUSTRY PRACTICE.—During the covered period, notwithstanding any contractual restrictions, it is deemed to be standard industry practice for a servicer to offer forbearance or loss mitigation options in accordance with the terms of sections 4022 and 4023 of the CARES Act to borrowers, respectively, on all covered or multifamily mortgage loans it services.

(C) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed as affecting the liability of a servicer or other person for actual fraud in the servicing of a mortgage loan or for the violation of a State or Federal law.

(D) DEFINITIONS.—In this paragraph:

(i) COVERED MORTGAGE LOAN.—The term ''covered mortgage loan'' has the meaning given that term under section 4022(a) of the CARES Act.

(ii) COVERED PERIOD.—The term ''covered period'' has the meaning given that term under section 4023(g) of the CARES Act.

(iii) MULTIFAMILY MORTGAGE LOAN.—The term ''multifamily mortgage loan'' has the meaning given that term under section 4023(g) of the CARES Act.

(iv) SERVICER.—The term ''servicer''—

(I) has the meaning given the term under section 6(i) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605(i)); and

(II) means a master servicer and a subservicer, as such terms are defined, respectively, under section 1024.31 of title 12, Code of Federal Regulations.

(v) SECURITIZATION VEHICLE.—The term ''securitization vehicle'' has the meaning give that term under section 129A(f) of the Truth in Lending Act (15 U.S.C. 1639a(f)).

(c) BANKRUPTCY PROTECTIONS.—

(1) BANKRUPTCY PROTECTIONS FOR FEDERAL CORONAVIRUS RELIEF PAYMENTS.—Section 541(b) of title 11, United States Code, is amended—

(A) in paragraph (9), in the matter following subparagraph (B), by striking ''or'';

(B) in paragraph (10)(C), by striking the period at the end and inserting ''; or''; and

(C) by inserting after paragraph (10) the following:

''(11) payments made under Federal law relating to the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to the coronavirus disease 2019 (COVID–19).''.

(2) PROTECTION AGAINST DISCRIMINATORY TREATMENT OF HOMEOWNERS IN BANKRUPTCY.—Section 525 of title 11, United States Code, is amended by adding at the end the following:

''(d) A person may not be denied any forbearance, assistance, or loan modification relief made available to borrowers by a mortgage creditor or servicer because the person is or has been a debtor, or has received a discharge, in a case under this title.''.

(3) INCREASING THE HOMESTEAD EXEMPTION.—Section 522 of title 11, United States Code, is amended—

(A) in subsection (d)(1), by striking ''$15,000'' and inserting ''$100,000''; and

(B) by adding at the end the following:

''(r) Notwithstanding any other provision of applicable nonbankruptcy law, a debtor in any State may exempt from property of the estate the property described in subsection (d)(1) not to exceed the value in subsection (d)(1) if the exemption for such property permitted by applicable nonbankruptcy law is lower than that amount.''.

(4) EFFECT OF MISSED MORTGAGE PAYMENTS ON DISCHARGE.—Section 1328 of title 11, United States Code, is amended by adding at the end the following:

''(i) A debtor shall not be denied a discharge under this section because, as of the date of discharge, the debtor did not make 6 or fewer payments directly to the holder of a debt secured by real property.

''(j) Notwithstanding subsections (a) and (b), upon the debtor's request, the court shall grant a discharge of all debts provided for in the plan that are dischargeable under subsection (a) if the debtor—

''(1) has made payments under a confirmed plan for at least 1 year; and

''(2) is experiencing or has experienced a material financial hardship due, directly or indirectly, to the coronavirus disease 2019 (COVID–19) pandemic.''.

(5) EXPANDED ELIGIBILITY FOR CHAPTER 13.—Section 109(e) of title 11, United States Code, is amended—

(A) by striking ''$250,000'' each place the term appears and inserting ''$850,000''; and

(B) by striking ''$750,000'' each place the term appears and inserting ''$2,600,000''.

(6) EXTENDED CURE PERIOD FOR HOMEOWNERS HARMED BY COVID–19 PANDEMIC.—

(A) IN GENERAL.—Chapter 13 of title 11, United States Code, is amended by adding at the end thereof the following:

''§ 1331. Special provisions related to COVID–19 pandemic

''(a) Notwithstanding subsections (b)(2) and (d) of section 1322, if the debtor is experiencing or has experienced a material financial hardship due, directly or indirectly, to the coronavirus disease 2019 (COVID–19) pandemic, a plan may provide for the curing of any default within a reasonable time, not to exceed 7 years after the time that the first payment under the original confirmed plan was due, and maintenance of payments while the case is pending on any unsecured claim or secured claim on which the last payment is due after the expiration of such time. Any such plan provision shall not affect the applicable commitment period under section 1325(b).

''(b) For purposes of sections 1328(a) and 1328(b), any cure or maintenance payments under subsection (a) that are made after the end of the period during which the plan provides for payments (other than payments under subsection (a)) shall not be treated as payments under the plan.

''(c) Notwithstanding section 1329(c), a plan modified under section 1329 at the debtor's request may provide for cure or maintenance payments under subsection (a) over a period that is not longer than 7 years after the time that the first payment under the original confirmed plan was due.

''(d) Notwithstanding section 362(c)(2), during the period after the debtor receives a discharge and the period during which the plan provides for the cure of any default and maintenance of payments under the plan, section 362(a) shall apply to the holder of a claim for which a default is cured and payments are maintained under subsection (a) and to any property securing such claim.

''(e) Notwithstanding section 1301(a)(2), the stay of section 1301(a) terminates upon the granting of a discharge under section 1328 with respect to all creditors other than the holder of a claim for which a default is cured and payments are maintained under subsection (a).''.

(B) TABLE OF CONTENTS.—The table of sections of chapter 13, title 11, United States Code, is amended by adding at the end thereof the following:

''Sec. 1331. Special provisions related to COVID–19 Pandemic.''.

(C) APPLICATION.—The amendments made by this paragraph shall apply only to any case under title 11, United States Code, commenced before 3 years after the date of enactment of this Act and pending on or commenced after such date of enactment, in which a plan under chapter 13 of title 11, United States Code, was not confirmed before March 27, 2020.

SEC. 104. LIQUIDITY FOR MORTGAGE SERVICERS AND RESIDENTIAL RENTAL PROPERTY OWNERS.

(a) IN GENERAL.—Section 4003 of the CARES Act (15 U.S.C. 9042), is amended by adding at the end the following:

''(i) LIQUIDITY FOR MORTGAGE SERVICERS.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall ensure that servicers of covered mortgage loans (as defined under section 4022) and multifamily mortgage loans (as defined under section 4023) are provided the opportunity to participate in the loans, loan guarantees, or other investments made by the Secretary under this section. The Secretary shall ensure that servicers are provided with access to such opportunities under equitable terms and conditions regardless of their size.

''(2) MORTGAGE SERVICER ELIGIBILITY.—In order to receive assistance under subsection (b)(4), a mortgage servicer shall—

''(A) demonstrate that the mortgage servicer has established policies and procedures to use such funds only to replace funds used for borrower assistance, including to advance funds as a result of forbearance or other loss mitigation provided to borrowers;

''(B) demonstrate that the mortgage servicer has established policies and procedures to provide forbearance, post-forbearance loss mitigation, and other assistance to borrowers in compliance with the terms of section 4022 or 4023, as applicable;

''(C) demonstrate that the mortgage servicer has established policies and procedures to ensure that forbearance and post-forbearance assistance is available to all borrowers in a non-discriminatory fashion and in compliance with the Fair Housing Act, the Equal Credit Opportunity Act, and other applicable fair housing and fair lending laws; and

''(D) comply with the limitations on compensation set forth in section 4004.

''(3) MORTGAGE SERVICER REQUIREMENTS.—A mortgage servicer receiving assistance under subsection (b)(4) may not, while the servicer is under any obligation to repay funds provided or guaranteed under this section—

''(A) pay dividends with respect to the common stock of the mortgage servicer or purchase an equity security of the mortgage servicer or any parent company of the mortgage servicer if the security is listed on a national securities exchange, except to the extent required under a contractual obligation that is in effect on the date of enactment of this subsection; or

''(B) prepay any debt obligation.''.

(b) CREDIT FACILITY FOR RESIDENTIAL RENTAL PROPERTY OWNERS.—

(1) IN GENERAL.—The Board of Governors of the Federal Reserve System shall—

(A) establish a facility, using amounts made available under section 4003(b)(4) of the CARES Act (15 U.S.C. 9042(b)(4)), to make long-term, low-cost loans to residential rental property owners as to temporarily compensate such owners for documented financial losses caused by reductions in rent payments; and

(B) defer such owners' required payments on such loans until after six months after the date of enactment of this Act.

(2) REQUIREMENTS.—A borrower that receives a loan under this subsection may not, for the duration of the loan—

(A) evict or initiate the eviction of a tenant solely for nonpayment of rent or other fees or charges;

(B) charge any late fees, penalties, or other charges to a tenant for late payment of rent; and

(C) with respect to a person or entity described under paragraph (4), discriminate on the basis of source of income.

(3) REPORT ON RESIDENTIAL RENTAL PROPERTY OWNERS.—The Board of Governors shall issue a report to the Congress containing the following, with respect to each property owner receiving a loan under this subsection:

(A) The number of borrowers that received assistance under this subsection.

(B) The average total loan amount that each borrower received.

(C) The total number of rental units that each borrower owned.

(D) The average rent charged by each borrower.

(4) REPORT ON LARGE RESIDENTIAL RENTAL PROPERTY OWNERS.—The Board of Governors shall issue a report to Congress that identifies any person or entity that in aggregate owns or holds a controlling interest in any entity that, in aggregate, owns—

(A) more than 100 rental units that are located within in a single Metropolitan Statistical Area;

(B) more than 1,000 rental units nationwide; or

(C) rental units in three or more States.

(c) AMENDMENTS TO NATIONAL HOUSING ACT.—Section 306(g)(1) of the National Housing Act (12 U.S.C. 1721(a)) is amended—

(1) in the fifth sentence, by inserting after ''issued'' the following: '', subject to any pledge or grant of security interest of the Federal Reserve under section 4003(a) of the CARES Act (Public Law 116–136; 134 Stat. 470; 15 U.S.C. 9042(a)) and to any such mortgage or mortgages or any interest therein and the proceeds thereon, which the Association may elect to approve''; and

(2) in the sixth sentence—

(A) by striking ''or (C)'' and inserting ''(C)''; and

(B) by inserting before the period the following: '', or (D) its approval and honoring of any pledge or grant of security interest of the Federal Reserve under section 4003(a) of the CARES Act and to any such mortgage or mortgages or any interest therein and proceeds thereon as''.

SEC. 105. RURAL RENTAL ASSISTANCE.

There is authorized to be appropriated for fiscal year 2020 $309,000,000 for rural rental assistance, which shall remain available until September 30, 2021, of which—

(1) up to $25,000,000 may be used for an additional amount for rural housing vouchers for any low-income households (including those not receiving rental assistance) residing in a property financed with a section 515 loan which has been prepaid after September 30, 2005, or has matured after September 30, 2019; and

(2) the remainder shall be used for an additional amount for rural rental assistance agreements entered into or renewed pursuant to section 521(a)(2) of the Housing Act of 1949 (42 U.S.C. 1490a(a)(2)) to—

(A) supplement the rental assistance of households on whose behalf assistance is being provided; and

(B) provide rental assistance on behalf of households who are not being assisted with such rental assistance but who qualify for such assistance.

SEC. 106. FUNDING FOR PUBLIC HOUSING AND TENANT-BASED RENTAL ASSISTANCE.

(a) PUBLIC HOUSING OPERATING FUND.—There is authorized to be appropriated for an additional amount for fiscal year 2020 for the Public Housing Operating Fund under section 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(e)) $2,000,000,000, to remain available until September 30, 2021.

(b) TENANT-BASED SECTION 8 RENTAL ASSISTANCE.—There is authorized to be appropriated for an additional amount for fiscal year 2020 for the tenant-based rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) $3,000,000,000, to remain available until September 30, 2021, of which not more than $500,000,000 may be used for administrative fees under section 8(q) of such Act (42 U.S.C. 1437f(q)).

(c) APPLICABILITY OF WAIVERS.—Any waiver or alternative requirement made by the Secretary of Housing and Urban Development pursuant to the heading ''Tenant-Based Rental Assistance'' or ''Public Housing Operating Fund'' in title XII of division B of the CARES Act (Public Law 116–136) shall apply with respect to amounts made available pursuant to this section.

SEC. 107. SUPPLEMENTAL FUNDING FOR SUPPORTIVE HOUSING FOR THE ELDERLY, SUPPORTIVE HOUSING FOR PERSONS WITH DISABILITIES, SUPPORTIVE HOUSING FOR PERSONS WITH AIDS, AND PROJECT-BASED SECTION 8 RENTAL ASSISTANCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $500,000,000 for fiscal year 2020 for additional assistance for supportive housing for the elderly, of which—

(1) $200,000,000 shall be for rental assistance under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) or section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), as appropriate, and for hiring additional staff and for services and costs, including acquiring personal protective equipment, to prevent, prepare for, or respond to the public health emergency relating to Coronavirus Disease 2019 (COVID-19) pandemic; and

(2) $300,000,000 shall be for grants under section 676 of the Housing and Community Development Act of 1992 (42 U.S.C. 13632) for costs of providing service coordinators for purposes of coordinating services to prevent, prepare for, or respond to the public health emergency relating to Coronavirus Disease 2019 (COVID-19).

Any provisions of, and waivers and alternative requirements issued by the Secretary pursuant to, the heading ''Department of Housing and Urban Development—Housing Programs—Housing for the Elderly'' in title XII of division B of the CARES Act (Public Law 116–136) shall apply with respect to amounts made available pursuant to this subsection.

(b) ELIGIBILITY OF SUPPORTIVE HOUSING FOR PERSONS WITH DISABILITIES.—Subsection (a) of section 676 of the Housing and Community Development Act of 1992 (42 U.S.C. 13632(a)) shall be applied, for purposes of subsection (a) of this section, by substituting ''(G), and (H)'' for '' and (G)''.

(c) SERVICE COORDINATORS.—

(1) HIRING.—In the hiring of staff using amounts made available pursuant to this section for costs of providing service coordinators, grantees shall consider and hire, at all levels of employment and to the greatest extent possible, a diverse staff, including by race, ethnicity, gender, and disability status. Each grantee shall submit a report to the Secretary of Housing and Urban Development describing compliance with the preceding sentence not later than the expiration of the 120-day period that begins upon the termination of the emergency declared on March 13, 2020, by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 4121 et seq.) relating to the Coronavirus Disease 2019 (COVID-19) pandemic.

(2) ONE-TIME GRANTS.—Grants made using amounts made available pursuant to subsection (a) for costs of providing service coordinators shall not be renewable.

(3) ONE-YEAR AVAILABILITY.—Any amounts made available pursuant to this section for costs of providing service coordinators that are allocated for a grantee and remain unexpended upon the expiration of the 12-month period beginning upon such allocation shall be recaptured by the Secretary.

(d) FUNDING FOR SUPPORTIVE HOUSING FOR PERSONS WITH DISABILITIES.—There is authorized to be appropriated $200,000,000 for fiscal year 2020 for additional assistance for supportive housing for persons with disabilities under section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013). Any provisions of, and waivers and alternative requirements issued by the Secretary pursuant to, the heading ''Department of Housing and Urban Development—Housing Programs—Housing for Persons With Disabilities'' in title XII of division B of the CARES Act (Public Law 116–136) shall apply with respect to amounts made available pursuant to this subsection.

(e) FUNDING FOR HOUSING OPPORTUNITIES FOR PEOPLE WITH AIDS PROGRAM.—There is authorized to be appropriated $15,000,000 for fiscal year 2020 for additional assistance for the Housing Opportunities for Persons with AIDS program under the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.). Any provisions of, and waivers and alternative requirements issued by the Secretary pursuant to, the heading ''Department of Housing and Urban Development—Community Planning and Development—Housing Opportunities for Persons With AIDS'' in title XII of division B of the CARES Act (Public Law 116–136) shall apply with respect to amounts made available pursuant to this subsection.

(f) FUNDING FOR PROJECT-BASED SECTION 8 RENTAL ASSISTANCE.—There is authorized to be appropriated $750,000,000 for fiscal year 2020 for additional assistance for project-based rental assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f). Any provisions of, and waivers and alternative requirements issued by the Secretary pursuant to, the heading ''Department of Housing and Urban Development—Housing Programs—Project-Based Rental Assistance'' in title XII of division B of the CARES Act (Public Law 116–136) shall apply with respect to amounts made available pursuant to this subsection.

SEC. 108. FAIR HOUSING.

(a) DEFINITION OF COVID–19 EMERGENCY PERIOD.— For purposes of this Act, the term ''COVID–19 emergency period'' means the period that begins upon the date of the enactment of this Act and ends upon the date of the termination by the Federal Emergency Management Agency of the emergency declared on March 13, 2020, by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 4121 et seq.) relating to the Coronavirus Disease 2019 (COVID–19) pandemic.

(b) FAIR HOUSING ACTIVITIES.—

(1) AUTHORIZATION OF APPROPRIATIONS.—To ensure existing grantees have sufficient resource for fair housing activities and for technology and equipment needs to deliver services through use of the Internet or other electronic or virtual means in response to the public health emergency related to the Coronavirus Disease 2019 (COVID-19) pandemic, there is authorized to be appropriated $4,000,000 for Fair Housing Organization Initiative grants through the Fair Housing Initiatives Program under section 561 of the Housing and Community Development Act of 1987 (42 U.S.C. 3616a).

(2) 3-YEAR AVAILABILITY.—Any amounts made available pursuant paragraph (1) that are allocated for a grantee and remain unexpended upon the expiration of the 3-year period beginning upon such allocation shall be recaptured by the Secretary.

(c) FAIR HOUSING EDUCATION.—There is authorized to be appropriated $10,000,000 for the

Office of Fair Housing and Equal Opportunity of the Department of Housing and Urban Development to carry out a national media campaign and local education and outreach to educate the public of increased housing rights during COVID–19 emergency period, that provides that information and materials used in such campaign are available—

(1) in the languages used by communities with limited English proficiency; and

(2) to persons with disabilities.

SEC. 109. FUNDING FOR HOUSING COUNSELING SERVICES.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the spread of Coronavirus Disease 2019 (COVID–19), which is now considered a global pandemic, is expected to negatively impact the incomes of potentially millions of homeowners, renters, individuals experiencing homelessness, and individuals at risk of homelessness, making it difficult for them to pay their mortgages or rents on time;

(2) housing counseling is critical to ensuring that homeowners, renters, individuals experiencing homelessness, and individuals at risk of homelessness have the resources they need to manage financial hardships from the COVID-19 crisis;

(3) loan preservation and foreclosure mitigation services are also critical to address the needs of homeowners who lose employment and income because of the pandemic and who face serious delinquency or home loan default, or are in foreclosing proceedings during this period;

(4) evaluations from the National Foreclosure Mitigation Counseling program revealed that homeowners at risk of or facing foreclosure are better served when they have access to a housing counselor and a range of tools and resources to help them avoid losing their home and have the support they need to tailor the best possible response to their situation.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Neighborhood Reinvestment Corporation (in this section referred to as the ''Corporation'') established under the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101 et seq.) $100,000,000 for fiscal year 2020 for housing counseling services, which shall remain available until September 30, 2023.

(c) PRIORITIZATION OF HOUSING COUNSELING SERVICES.—Of any grant funds made available pursuant to subsection (b), not less than 40 percent shall be provided to counseling organizations that target counseling services to minority and low-income homeowners, renters, individuals experiencing homelessness, and individuals at risk of homelessness or provide such services in neighborhoods with high concentrations of minority and low-income homeowners, renters, individuals experiencing homelessness, and individuals at risk of homelessness.

(d) ELIGIBLE USES.—Amounts made available pursuant to subsection (b) may be used in such amounts as the Corporation determines for costs of—

(1) public education and outreach;

(2) direct services, including the full range of services provided by housing counselors to assist homeowners, including manufactured homeowners, regardless of financing type, renters, individuals experiencing homelessness, and individuals at risk of homelessness, including the practices, tools, and innovations in foreclosure mitigation that were utilized in the National Foreclosure Mitigation Counseling Program, and financial capability, credit counseling, homeless counseling, and rental counseling;

(3) equipment and technology, including broadband internet and equipment upgrades needed to ensure timely and effective service delivery;

(4) training, including capacitating housing counseling staff in various modes of counseling, including rental and foreclosure, delivery of remote counseling utilizing improved technology, enhanced network security, and supportive options for the delivery of client services; and

(5) administration and oversight of the program in accordance with the Corporation's rate for program administration.

(e) DISBURSEMENT.—The Corporation shall disburse all grant funds made available pursuant to subsection (b) as expeditiously as possible, through grants to housing counseling intermediaries approved by the Department of Housing and Urban Development, State housing finance agencies, and NeighborWorks organizations. The aggregate amount provided to NeighborWorks organizations shall not exceed 15 percent of the total of grant funds made available pursuant to subsection (b).

TITLE II—PROTECTING PEOPLE EXPERIENCING HOMELESSNESS

SEC. 201. HOMELESS ASSISTANCE FUNDING.

(a) EMERGENCY HOMELESS ASSISTANCE.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated under the Emergency Solutions Grants program under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11371 et seq.) $11,500,000,000 for grants under such subtitle in accordance with this subsection to respond to needs arising from the public health emergency relating to Coronavirus Disease 2019 (COVID-19). Of such amounts made available, $4,000,000,000 shall be allocated in accordance with sections 413 and 414 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11372, 11373).

(2) FORMULA.—Notwithstanding sections 413 and 414 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11372, 11373), the Secretary of Housing and Urban Development (in this Act referred to as the ''Secretary'') shall allocate any amounts remaining after amounts are allocated pursuant to paragraph (1) in accordance with a formula to be established by the Secretary that takes into consideration the following factors:

(A) Risk of transmission of coronavirus in a jurisdiction.

(B) Whether a jurisdiction has a high number or rate of sheltered and unsheltered homeless individuals and families.

(C) Economic and housing market conditions in a jurisdiction.

(3) ELIGIBLE ACTIVITIES.—In addition to eligible activities under section 415(a) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11374(a), amounts made available pursuant to paragraph (1) may also be used for costs of the following activities:

(A) Providing training on infectious disease prevention and mitigation.

(B) Providing hazard pay, including for time worked before the effectiveness of this subparagraph, for staff working directly to prevent and mitigate the spread of coronavirus or COVID-19 among people experiencing or at risk of homelessness.

(C) Reimbursement of costs for eligible activities (including activities described in this paragraph) relating to preventing, preparing for, or responding to the coronavirus or COVID-19 that were accrued before the date of the enactment of this Act.

(D) Notwithstanding 24 CFR 576.102(a)(3), providing a hotel or motel voucher for a homeless individual or family.

Use of such amounts for activities described in this paragraph shall not be considered use for administrative purposes for purposes of section 418 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11377).

(4) INAPPLICABILITY OF PROCUREMENT STANDARDS.—To the extent amounts made available pursuant to paragraph (1) are used to procure goods and services relating to activities to prevent, prepare for, or respond to the coronavirus or COVID-19, the standards and requirements regarding procurement that are otherwise applicable shall not apply.

(5) INAPPLICABILITY OF HABITABILITY AND ENVIRONMENTAL REVIEW STANDARDS.—Any Federal standards and requirements regarding habitability and environmental review shall not apply with respect to any emergency shelter that is assisted with amounts made available pursuant to paragraph (1) and has been determined by a State or local health official, in accordance with such requirements as the Secretary shall establish, to be necessary to prevent and mitigate the spread of coronavirus or COVID-19, such shelters.

(6) INAPPLICABILITY OF CAP ON EMERGENCY SHELTER ACTIVITIES.—Subsection (b) of section 415 of the McKinney-Vento Homeless Assistance Act shall not apply to any amounts made available pursuant to paragraph (1) of this subsection.

(7) INITIAL ALLOCATION OF ASSISTANCE.—Section 417(b) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11376(b)) shall be applied with respect to amounts made available pursuant to paragraph (1) of this subsection by substituting ''30-day'' for ''60-day''.

(8) WAIVERS AND ALTERNATIVE REQUIREMENTS.—

(A) AUTHORITY.—In administering amounts made available pursuant to paragraph (1), the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation (except for any requirements related to fair housing, nondiscrimination, labor standards, and the environment) that the Secretary administers in connection with the obligation or use by the recipient of such amounts, if the Secretary finds that good cause exists for the waiver or alternative requirement and such waiver or alternative requirement is consistent with the purposes described in this subsection.

(B) NOTIFICATION.—The Secretary shall notify the public through the Federal Register or other appropriate means 5 days before the effective date of any such waiver or alternative requirement, and any such public notice may be provided on the Internet at the appropriate Government web site or through other electronic media, as determined by the Secretary.

(C) EXEMPTION.—The use of amounts made available pursuant to paragraph (1) shall not be subject to the consultation, citizen participation, or match requirements that otherwise apply to the Emergency Solutions Grants program, except that a recipient shall publish how it has and will utilize its allocation at a minimum on the Internet at the appropriate Government web site or through other electronic media.

(9) INAPPLICABILITY OF MATCHING REQUIREMENT.—Subsection (a) of section 416 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11375(a)) shall not apply to any amounts made available pursuant to paragraph (1) of this subsection.

(10) PROHIBITION ON PREREQUISITES.—None of the funds authorized under this subsection may be used to require people experiencing homelessness to receive treatment or perform any other prerequisite activities as a condition for receiving shelter, housing, or other services.

(b) CONTINUUM OF CARE PROGRAM.—Due to the emergency relating to the Coronavirus Disease 2019 (COVID-19) pandemic, the Notice of Funding Availability (NOFA) for fiscal year 2020 for the Continuum of Care program under subtitle C of title IV of the McKinney-

Vento Homeless Assistance Act (42 U.S.C. 11381 et seq.) shall have no force or effect and the Secretary of Housing and Urban Development shall distribute amounts made available for such fiscal year for such program based on the results of the competition for amounts made available for such program for fiscal year 2019 (FR-6300—25), except that grant amounts may be adjusted to account for changes in fair market rents.

SEC. 202. EMERGENCY RENTAL ASSISTANCE VOUCHER PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Housing and Urban Development (in this section referred to as the ''Secretary''), $1,000,000,000 for fiscal year 2020, to remain available until expended, for incremental emergency vouchers under subsection (b).

(b) EMERGENCY VOUCHERS.—

(1) IN GENERAL.—The Secretary shall provide emergency rental assistance vouchers under this subsection, which shall be tenant-based rental assistance under section 8(o) the United States Housing Act of 1937 (42 U.S.C. 1437f(o)).

(2) SELECTION OF FAMILIES.—

(A) MANDATORY PREFERENCES.—Each public housing agency administering assistance under this section shall provide preference for such assistance to eligible families that are—

(i) homeless (as such term is defined in section 103(a) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302(a));

(ii) at risk of homelessness (as such term is defined in section 401 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360); or

(iii) fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, or stalking.

(B) ALLOCATION.—In allocating amounts made available under this section, the Secretary shall—

(i) not later than 60 days after the date of the enactment of this Act, allocate at least 50 percent of such amounts to public housing agencies in accordance with a formula that considers—

(I) the capability of public housing agencies to promptly use emergency vouchers provided under this section; and

(II) the need for emergency vouchers provided under this section in the geographical area, based on factors determined by the Secretary, including risk of transmission of coronavirus, high numbers or rates of sheltered and unsheltered homelessness, and economic and housing market conditions;

(ii) allocate remaining amounts in accordance with a formula that considers—

(I) the criteria under clause (i) and the success of a public housing agency in promptly utilizing vouchers awarded under clause (i); and

(II) the capability of the public housing agency to create and manage structured partnerships with service providers for the delivery of appropriate community-based services; and

(iii) designate the number of vouchers under this section that each public housing agency that is awarded funds under this section is authorized to administer.

(C) ELECTION NOT TO ADMINISTER.—If a public housing agency elects not to administer amounts under this section, the Secretary shall award such amounts to other public housing agencies according to the criteria in subparagraph (B).

(D) FAILURE TO USE VOUCHERS PROMPTLY.—If a public housing agency fails to issue all of its authorized vouchers under this section on behalf of eligible families within a reasonable period of time as determined by the Secretary, the Secretary shall reallocate any unissued vouchers and associated funds to others public housing agencies according to the criteria under subparagraph (B)(ii).

(3) WAIVERS AND ALTERNATIVE REQUIREMENTS.—Any waiver or alternative requirement that the Secretary makes available to all public housing agencies in connection with assistance made available under the heading ''Tenant-Based Rental Assistance'' in title XII of division B of the CARES Act (Public Law 116–136; 134 Stat.601) shall apply to assistance under this section until the expiration of such waiver or alternative requirement.

(4) TERMINATION OF VOUCHERS UPON TURNOVER.—

(A) IN GENERAL.—A public housing agency may not reissue any vouchers made available under this section when assistance for the family initially assisted is terminated.

(B) REALLOCATION.—Upon termination of assistance for one or more families assisted by a public housing agency under this section, the Secretary shall reallocate amounts that are no longer needed by such public housing agency for assistance under this section to another public housing agency for the renewal of vouchers previously authorized under this section.

The SPEAKER pro tempore. The bill shall be debatable for 1 hour, equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services.

The gentlewoman from California (Ms. WATERS) and the gentleman from Michigan (Mr. HUIZENGA) each will control 30 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on H.R. 7301 and to insert extraneous material thereon.

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

There was no objection.

□ 1415

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

Mr. Speaker, I rise in strong support of H.R. 7301, the Emergency Housing Protections and Relief Act of 2020.

This bill includes several provisions that were included in the HEROES Act and independently led by a number of members of the Financial Services Committee. Some people hearing this bill won't understand what we are attempting to do here today. As I said, this was a part of the HEROES Act that passed this House, but we have been waiting on the Senate to take up the HEROES Act. They are not taking it up. They don't seem to care. They don't seem to understand that there are people out there who are going to be evicted, and so, we have pulled it out of the HEROES Act, and we are taking it up independently so that we can send a message to the Senate that we want this measure heard.

So, we have a number of Members who have participated in putting this legislation together and who had independent bills to do so. That includes Representatives LACY CLAY, DENNY HECK, DAVID SCOTT, CHUY GARCÍA, CINDY AXNE, NYDIA VELÁZQUEZ, AYANNA PRESSLEY, KATIE PORTER, and AL GREEN.

Mr. Speaker, America was facing an affordable housing crisis before this pandemic hit. With so many families struggling as a result of the pandemic, we are now on the precipice of an eviction and a homeless crisis like we have never seen in our lifetime.

We can't wait any longer. We have got to move. The CARES Act was an important step towards providing relief, but more help is needed. We knew, for example, that an eviction moratorium without the provision of rental assistance would only delay disastrous outcomes as families would have to pay more than they could afford, a lump sum of 3 to 4 months of unpaid rent at the expiration of the moratorium.

This House followed through on providing several additional and targeted housing solutions when it passed the HEROES Act. Unfortunately, in the 45 days since the HEROES Act passed, there has been no action taken by either our Republican colleagues in the Senate or the Trump administration. This is simply unacceptable.

As a matter of fact, someone said this morning, and I repeat, we have not heard one word, not one peep from this administration about rental assistance.

We saw in the aftermath of the 2008 crisis what the consequences are when Congress acts too slowly: 10 million foreclosures, almost $17 trillion in household wealth lost, increases in rates of homelessness all across the country. And we saw how communities of color were disproportionately hit with foreclosures and a corresponding loss of wealth after they had been targeted with predatory mortgage products.

Today, there are over 2.5 million confirmed cases of COVID–19 in the United States and over 125,000 Americans have died. The Centers for Disease Control reported that as of June 20, hospitalization rates for COVID–19 are highest among Native, Black, and Latinx Americans. We also know that people of color account for the largest portion of the essential workers, have a higher incidence of preexisting health conditions, and that with these preexisting health conditions they have, they have limited access to healthcare, and have fewer opportunities to isolate because they cannot work from home.

But I must emphasize that this pandemic did not create such disparities, it only exacerbated them, and I hope this pandemic has finally drawn widespread public attention to all of these disparities.

Congress cannot fail again to quickly act as we did in the aftermath of the 2008 crisis. Since passage of the HEROES Act, our Nation's renters and homeowners have experienced renewed pressures.

When June rent came due, one in three renters were unable to fully pay their rent.

On June 14, the Mortgage Bankers Association reported that the number of homeowners in forbearance reached 4.2 million.

Since passage of the HEROES Act, we have now experienced record days of both new positive coronavirus tests, including in Texas, Florida, Georgia and my State of California.

And since the HEROES Act passed, over 11 million Americans have filed for unemployment insurance. There are now only 25 days left before the Federal eviction ban expires on July 25. When it does, many families who have been unable to pay their rent because of the COVID–19 pandemic will face eviction and the devastating consequences that evictions have on families, particularly children.

Our committee heard testimony in January from one gentleman about what it was like when all of his belongings were put out on the sidewalk and he and his children were forced out of their home. He told us how he fell behind on rent while trying to obtain training for a higher paying job and how the sheriff banged on his door one morning while his 9-year-old son was getting ready for school. He described how he and his wife watched as all of their personal belongings were thrown on to the front lawn, including items with sentimental value like their wedding photos. He said, ''I remember the feeling that I'd failed. Failed as a husband and as a father to provide a place for my family.''

Several landlords declined his rental applications after charging a nonreimbursable application fee, likely because they saw the eviction on his record, and he and his family stayed at motels that were even more costly than paying rent.

Maya Angelou once wrote that: ''Home is a refuge not only from the world, but a refuge from my worries, my troubles, my concerns.'' And we know all too well what happens to families, and especially children, when their homes are forcibly taken from them.

We cannot sit idly by. We must understand that an eviction can disrupt every aspect of a family's life, putting them at greater risk of job loss, homelessness, and gaps or other disruptions to a child's education.

Housing instability can be particularly traumatic for young children and can have lifelong impacts. Studies show that children who avoid eviction due to a long-term housing subsidy have better educational achievement, obtain higher paying jobs as adults, and are less likely to become incarcerated. Many families with evictions on their records cannot find another home and fall into homelessness.

So, again, we cannot sit idly by and let this eviction crisis cause irreparable harm to millions of families around the country. The bill before us today pulls out the key housing protection and relief provisions from the HEROES Act.

Specifically, let me tell what you the bill does. It provides $100 billion for an emergency rental assistance fund and $75 billion for a homeowners' assistance fund to ensure renters and homeowners can cover their housing expenses, including rent, mortgage payments, and utility bills.

It extends and expands the eviction and foreclosure moratoria for all renters and homeowners, as well as provides additional forbearance relief.

It provides $18 billion in funding for homeless assistance and other Federal housing assistance programs to ensure rents remain affordable and housing is maintained in a safe and decent condition.

It creates a lending facility for mortgage servicers and rental property owners to help them finance their obligations and shortfalls in rent.

It ensures robust, fair housing enforcement and housing counseling to protect all renters and homeowners.

What happens next is up to us. Each of us in this Chamber knows the value of a place where we and our family come together, share a meal, and safely rest our heads. We also know that households of color still have not fully recovered from the 2008 crisis, and we know that they will continue to be disproportionately impacted if the pandemic causes the housing crisis to worsen.

I, for one, refuse to do nothing while families suffer. This is an emergency, and it calls for the emergency response provided by this legislation.

We can't wait. I strongly urge my colleagues to support this bill.

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

Mr. HUIZENGA. Mr. Speaker, I rise in opposition to this bill, and I yield myself such time as I may consume.

Mr. Speaker, this is the second time the House will vote on the provisions in this bill, and the Chair just laid that out. Every single one of these provisions was included in the so-called HEROES Act, a partisan attempt that we debated last month.

Well, just like that $3 trillion grab bag, this bill will have no chance in the Senate. It will not be signed by the President. At the conclusion of this debate, we will be right back where we started.

I say to my colleagues, why not try something new, try bipartisanship. It worked in the CARES Act and the other four COVID–19 response bills that we had, and I tell you it could work here, as well.

But rather than work across the aisle, the Democratic leadership, gave us no advance warning this bill would be debated on the House floor, and rather than work across the aisle, my colleagues jammed through the bill the day the Rules Committee held a meeting on five other bills.

Moreover, the Rules Committee reported out a closed rule on this bill. Now, let's explain that to America what a closed bill or closed rule means. There are three types of rules:

An ''open'' rule, meaning you can add any amendment that you want.

A ''structured'' rule, which says, you know what, we are going to narrow those amendments to those areas that we think are most pertinent to the bill.

And then a ''closed'' rule, which says you get nothing. You don't have any say in trying to change this or improve this bill. It doesn't matter. We don't want to hear from the minority. We don't even want to hear from our own Members what ideas they might have.

So, notwithstanding there have been numerous concerns raised about this bill, there will be no opportunity to amend it. There will be no opportunity to strengthen it or to improve what is already, in my opinion, a bad bill.

This outcome will only stifle debate. This outcome will only hurt the bill's chances for any type of actual success. But clearly that is not the goal here. It is an attempt to find another wedge issue to divide us.

Nevertheless, I would like to emphasize that Republicans and I are committed to working together to support efforts that are targeted and effective in responding to this devastating pandemic. When we work together there is nothing that can stand in our way. The CARES Act is proof of that, as well as all the other response bills that we had.

As I mentioned earlier, Congress acted swiftly back in March to pass the CARES Act. The CARES Act provided robust financial support to individuals and small businesses impacted by COVID–19. The CARES Act also increased funding for HUD, Housing and Urban Development, and its assisted housing programs by approximately 25 percent over its appropriated budget.

For renters, the CARES Act provided critical protections through a Federal moratorium on evictions for residents from Federally assisted properties. This moratorium, which lasts through the summer, is in addition to any State or locally enacted eviction moratoria. I know that in Michigan, in my home State, there has been that moratoria, as well.

For homeowners, the CARES Act created a new forbearance option for Federally backed borrowers directly or indirectly impacted by COVID–19 financial hardship.

What does ''forbearance'' mean? Forbearance means you don't have to pay that month; you can attach those payments at the end. You have a time out from having to go and pay your mortgage. Borrowers can automatically claim up to 1 year of payments protection penalty free.

This historic relief has worked. In fact, it was negotiated out in a bipartisan manner. It has been stable and stabilized and has actually slightly declined nationwide forbearance rates as well as rent collections largely consistent with pre-COVID trends. This is proof that the CARES Act—a bipartisan bill that I think had four or maybe six total votes against it, some

from both parties—works. This is proof that bipartisanship and consensus approach has been the right one in the past, and it ought to be the right one now.

Of course, we should never accept good enough. As an answer it comes to providing housing and economic security for our Nation's most vulnerable families. However, the bill today that we are considering, like the bill that we considered last month, goes in the opposite direction. Instead of following the CARES Act model to focus on those hit hardest by the pandemic, this bill simply plays politics. This bill dusts off an old Democratic grab bag wish list of policy goals predating and unrelated to COVID–19 under the guise of relief, all of which are nonstarters in the Senate, let's be clear.

If we really want to start a real conversation about affordable housing in this country, let's start with the facts. The fact is that far too many large, high-cost metropolitan areas' local decisions and regulations have made the cost of housing in those areas too high for many hardworking families. We should not be rewarding these high-cost cities for decades of self-made mistakes with more taxpayer dollars. We should be looking at ways to support families, not cities and municipalities and housing authorities, but families to meet those challenges that this pandemic has forced upon them.

Republicans have and will continue to support targeted and efficient aid that goes to those who are most in need. We support solutions for those that have been impacted by the pandemic that are, one, administered efficiently. That is a key. For you as a taxpayer I would assume you would want to have that.

Two, targeted to those who need it most. That is the safety net we are trying to provide.

And, three, include much-needed oversight.

□ 1430

This bill fails those tests.

Let me give you one example of why this bill fails all parts of that test. Section 101 of the bill creates a new $100 billion—that is with a B—''emergency rental assistance'' grant program for individuals or families ''at risk of homelessness,'' a policy both sides certainly do and can support.

But the bill takes the policy to the next level, making funding available to individuals making up to 120 percent not of the poverty level but of their area median income.

So, what does that mean? That means that an individual living in San Francisco making $131,000 would qualify for a homelessness grant.

Now, I am just a simple guy from the Midwest in Michigan, but making $131,000 a year qualifies you for a homelessness grant? Oh, by the way, what does that get you? $6,012 per month in rental assistance. $6,000 a month in rental assistance.

This is not help; it is scandalous. And I don't understand how any of my colleagues could defend that.

Well, additionally, this bill spends more than $119 billion—again, with a B—in new funding for HUD programs, new funding, yet the bill fails to include a single meaningful permanent reform to any of the HUD programs. Moreover, the bill fails to provide any oversight for that new funding.

To that end, figuring out how HUD will spend a 240 percent increase in its budget is a critical element to ensuring that any new funding is helping real families who are in need, who are struggling and not getting just lost in some bureaucratic shuffle in Washington, D.C., or at some metropolis's housing authority.

In fact, Chairwoman WATERS said it best when talking about the CARES Act: ''Since taxpayers are footing the bill, all Americans deserve to examine any and all information related to the administration, disbursement, and utilization of these funds.''

Boy, I wish I had the ability to put in an amendment to do just that, but we don't have that opportunity today. So, I agree. I agree with her on that, and we need to have that transparency.

That is why Republicans stand ready to work together to find consensus on meaningful reforms and ways to help those households deal with the challenges of this awful pandemic.

Mr. Speaker, I ask my colleagues to take a look at this. We know it is a recycled partisan bill. We know that it is not going to go anywhere in the Senate. We know that it is not going to be signed into law. Let's have a real conversation about the issues, not just pick another political football.

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

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

Mr. Speaker, the gentleman from Michigan (Mr. HUIZENGA) had an opportunity when this bill went through the House. It is over on the Senate side. If the Republicans want to do more negotiation, they know they have to take it up over there.

I don't care how we get it, with this bill or with the one over there.

Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. CAROLYN B. MALONEY), the senior member of the Financial Services Committee and chair of the Committee on Oversight and Reform.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I thank the gentlewoman for yielding and for her leadership.

Mr. Speaker, I rise today in support of H.R. 7301, the Emergency Housing Protections and Relief Act.

Through no fault of their own, New Yorkers and Americans across this country are struggling to pay their rent or make mortgage payments. Even worse, people experiencing homelessness and survivors of domestic violence have seen their limited options for safety and shelter dwindle due to the pandemic's impact on social services.

The bill is a bold and necessary step toward providing economic and housing relief for millions of Americans.

It expands the eviction moratorium to protect all renters and the foreclosure moratorium to protect all homeowners. It creates a $100 billion emergency rental assistance fund and provides nearly $13 billion targeted money for homeless grants, housing choice vouchers for people experiencing homelessness, and survivors of domestic violence.

Nobody should lose sleep about how they are going to keep a roof over their head while they are suffering through a pandemic.

Mr. Speaker, I urge my colleagues on both sides of the aisle to support this necessary and important bill.

Mr. HUIZENGA. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. STEIL), a member of the Financial Services Committee.

Mr. STEIL. Mr. Speaker, I thank my colleague from Michigan for yielding.

I rise today in opposition to the act.

The coronavirus pandemic has affected every community in our country. As this disease hit our shores, our economy has contracted dramatically. Businesses were forced to close; workers have been sidelined; and Americans are staying home.

While we recognize the public health benefits of this strategy, the serious economic harm is very hard to ignore. Families are still worried about making ends meet, even as States have begun to reopen.

With that in mind, I understand my colleagues' desire to do something to keep affected families in their homes. I remain committed to just that, helping families who are directly impacted by the coronavirus to stay in their homes and to stay in their apartments. But this bill fails on multiple fronts.

At a time when our national deficits are rising, and our national debt now exceeds $26 trillion, my colleagues are proposing more than $194 billion in new spending. More than half of that, $119 billion, is earmarked for HUD, the Housing and Urban Development Department.

This would triple HUD's 2020 budget. Importantly, it does it without implementing meaningful reforms to ensure accountability and transparency.

The new spending comes on top of trillions of dollars in relief already provided in the form of expanded unemployment benefits and other types of economic relief.

We have seen legislation come before us in the HEROES Act, a grab bag of liberal ideas. We now come back to the table with this.

One of those ideas, which I think is important to highlight the impact that this will have in our community, is a resurrection of misguided ideas, long-term eviction moratoriums.

Under the Emergency Housing Protections and Relief Act, the CARES

Act eviction moratorium now would be extended until June 25, 1 year from the date of enactment. This moratorium would apply to all renters regardless of whether or not they have been negatively impacted by the coronavirus.

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

Mr. HUIZENGA. Mr. Speaker, I yield an additional 1 minute to the gentleman.

Mr. STEIL. Mr. Speaker, this moratorium would apply to all renters, not just those negatively impacted, through no fault of their own, due to the coronavirus, not just those living in buildings with mortgages backed by the Federal Government, but to everyone.

In other words, if enacted, this bill would impose broad and unprecedented eviction moratoriums that would last for 15 months, without regard to the impact of the coronavirus.

This would be very challenging for mom-and-pop landlords and very impactful negatively to our local economies. Property taxes have a higher priority on rent payments than mortgages, and an extension on the eviction moratorium, in particular, would hurt local governments trying to provide critical services that are in need right now.

Especially in these challenging times, we should not pursue policies that increase stress for cash-strapped cities and towns.

Again, I understand and share our desired goal to keep people in their homes. This bill just falls flat.

Mr. Speaker, we have a responsibility to do that thoughtfully and in a targeted manner. Therefore, I urge my colleagues to oppose this legislation.

Ms. WATERS. Mr. Speaker, I would like to remind all Members and the gentleman that Republicans don't care about debt as long as they are doing the spending; it is only when Democrats are helping Americans, even in a time of crisis. Remember, it was the President of the United States, Trump, who said he likes debt. I quote him. He said he likes debt.

Mr. Speaker, I yield 1½ minutes to the gentlewoman from New York (Ms. VELÁZQUEZ), the senior member of the Financial Services Committee and chair of the Committee on Small Business.

Ms. VELÁZQUEZ. Mr. Speaker, I rise in support of H.R. 7301. This important bill extends and expands critical tenant protections and authorizes key housing assistance that is vital to keeping our neighbors safely housed during this ongoing pandemic.

Mr. Speaker, I especially want to thank Chair WATERS for including language I wrote that will authorize additional funding for the Public Housing Operating Fund and the Section 8 program.

The money we are providing today would allow public housing authorities to continue taking necessary steps to protect residents from the coronavirus.

Importantly, this bill also extends the eviction and foreclosure moratoriums we created in the CARES Act for 1 year. Further, it expands those protections to all renters and homeowners.

The bill helps subsidize monthly housing costs by creating a $100 billion rental assistance fund and a $75 billion homeownership fund, crucial resources for those struggling with their monthly housing costs.

Creation of these funds will also ensure that individuals and families will not face lump-sum obligations and payments when the moratoriums end.

The urgency of the moment is upon us. We need this bill more than ever. The eviction moratorium provided for in the CARES Act is set to expire in late July.

In New York City, tenants' fear of eviction by unscrupulous landlords is ever-present. It has been predicted we could see a wave of 50,000 evictions in the city if we do not act fast.

Mr. Speaker, I am proud to sponsor the bill. I urge its speedy adoption.

Mr. HUIZENGA. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. JOHN W. ROSE), a distinguished member of the Financial Services Committee.

Mr. JOHN W. ROSE of Tennessee. Mr. Speaker, I thank Mr. HUIZENGA for yielding to me.

Mr. Speaker, I rise today in opposition to H.R. 7301.

The government shutdown of the economy due to COVID–19 created significant challenges for both renters and landlords. Folks, including back home in Tennessee's Sixth District, are having to make difficult decisions regarding their finances.

The shock the economy received was the largest our generation has ever seen, and the Federal Government has taken unprecedented action to remediate the damage done to the economy.

The CARES Act significantly increased funding for existing assisted housing programs at Housing and Urban Development and suspended evictions of residents from federally assisted properties for 120 days.

CARES also provided direct relief through economic impact payments, expanded unemployment insurance, and the paycheck protection program to keep Americans on their feet and the doors of our Main Street businesses open. This aid has been successful in many cases in providing renters with the financial means to keep paying rent throughout this pandemic.

Any further assistance should be administered efficiently, be targeted toward those who need it most, and include oversight.

This legislation before us today, however, includes a massive spending increase that fails to put into place any substantive reforms.

H.R. 7301 contains $119 billion in new HUD spending, tripling HUD's fiscal year 2020 appropriated budget for old and new programs, yet the bill does not include one provision holding the agency accountable on how that new money is spent. Moreover, every single provision included in H.R. 7301 was already included as part of the partisan HEROES Act and has no future in the United States Senate.

It is our role to ensure that we are being prudent, and I believe we need to be smarter. More innovative solutions are needed than the legislation we are discussing today.

Mr. Speaker, I will vote ''no'' on this legislation again, and I urge my fellow Members to do the same.

□ 1445

Ms. WATERS. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. CLAY), chairman of the Subcommittee on Housing, Community Development and Insurance.

Mr. CLAY. Mr. Speaker, I thank the chairwoman for yielding.

Mr. Speaker, I rise in strong support of H.R. 7301.

The COVID–19 global pandemic has resulted in an unprecedented economic decline that has greatly affected the health and well-being of the people I represent in St. Louis, Missouri, and millions of other Americans.

As the Brookings Institution pointed out recently, the United States housing crisis is not new, because even before the coronavirus pandemic, 10 to 15 percent of households reported being housing insecure. With unemployment at all-time levels, the housing crisis is not just affecting those on the margins.

I want my colleagues to step back and imagine being a Black person in St. Louis, Los Angeles, or Chicago and having to deal with all of the problems of a global pandemic on top of the usual unbridled racism that comes with being Black in America. It is mentally debilitating, but for Blacks in America, just another day in the office.

I received a letter last week from Legal Services of Eastern Missouri, which states: ''Thousands of families have gone from stability to sudden loss of income, which threatens access to basic needs—food, housing, healthcare—and many who were already living on the economic margins are now in even more dire circumstances.''

In short, the past 3 months have been a disaster for many Americans. Just when we see signs of things getting better, new statistics show an increase in forbearance requests. But today, we can help mitigate the harmful effects of the pandemic and help millions of Americans keep a roof over their head by voting for this act.

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

Ms. WATERS. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. DAVID SCOTT), a senior member of the Financial Services Committee.

Mr. DAVID SCOTT of Georgia. Mr. Speaker, I say to ladies and gentlemen

on the floor and people all across this Nation: If you listened to my Republican friends, you would think we are not in a crisis. We are in a terrible crisis.

Just think, 42 million Americans that had jobs just 14 weeks ago no longer have those jobs. Their homes are on the verge of being foreclosed. They need our help.

Yes, the gentleman from Michigan is right. We did pass this bill in the HEROES Act, but the Republican leader over there says: Let's pause.

This is the wrong time for this Nation to pause. This is a crisis.

And let me tell the gentleman something. It is a crisis in terms of health, but it is also a crisis in terms of our great economy going down and the great pillars of our economy: our homeownership, real estate values, and the security of our banking system. That is what is at stake here.

So it makes sense for us to move. With 42 million Americans no longer working, they are not going to be able to pay for their mortgages. They are not going to be able to keep their water on, the electricity on, the utilities. They are coming due already.

So I want to say to the gentleman that, when Senator MCCONNELL says ''put a pause on it,'' this Nation stands in horror when we see this epidemic already creating 42 million jobless people, but now burdening us with the revival of an additional thrust of this pandemic.

Nothing is more important than showing the American people we care about them. And we can't tell them to keep in their homes if they don't have a home, I urge my Republican friends.

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

Ms. WATERS. Mr. Speaker, I have yielded to the gentleman extra time. His time has expired.

PARLIAMENTARY INQUIRY

Mr. HUIZENGA. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Michigan will state his parliamentary inquiry.

Mr. HUIZENGA. Mr. Speaker, there was not a granting on the front end of that. Will that time be counted against the majority's time?

The SPEAKER pro tempore. The gentleman is correct.

Mr. HUIZENGA. Mr. Speaker, I appreciate that.

I just wanted to clarify and make sure that we are all on the same page.

And I might add that I deeply respect my colleague and friend from Georgia, and we have worked on some issues.

I will note that HUD has not been able to get the money out the door to those families that need the help with what they have already been given, and yet we are trying to put more into that pipeline.

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

Ms. WATERS. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GREEN), the chairman of the Subcommittee on Oversight and Investigations.

Mr. GREEN of Texas. Mr. Speaker, I thank Chairwoman WATERS. It is always an honor to serve under her leadership.

I thank the gentlewoman greatly for including H.R. 6760 within this bill, H.R. 7301. I am grateful because the gentlewoman is imminently correct when she says that people can't wait. They can't wait because invidious discrimination still exists, and it is increasing.

The National Fair Housing Alliance surveyed their members, their organizations, and here is what they found as it relates to the declared pandemic, declared on March 11, 2020.

They found that 13 percent indicated that there is an increase in complaints related to sexual harassment, 16 percent related to domestic violence, an 8 percent increase related to national origin of Asian Americans and Pacific Islanders.

But here is one that will really capture your attention. With reference to persons who have disabilities—didn't say that they were of a specific hue, nothing about their sex—those with disabilities, a 45 percent increase in complaints. They need help. Yes, we can wait, but they can't, and we have to do something to help them.

That is what this bill does. It affords additional money for enforcement of laws that already exist with reference to discrimination in housing.

It also will give people an opportunity to get some additional education. Some people make mistakes, but we don't know that they are making mistakes until we give them an opportunity to be educated. So we will give them the opportunity.

And finally, this: These complaints are increasing in part because of the incendiary, incitive comments made by the President when he uses terms related to the virus that relate to people, and there are some people who take these statements to extremes and they discriminate against people.

So I am proud to support the legislation. I ask my colleagues to do so, because the people who are being discriminated against cannot wait.

Mr. HUIZENGA. Mr. Speaker, may I inquire of the remaining time on both sides.

The SPEAKER pro tempore. The gentleman from Michigan has 15 minutes remaining. The gentlewoman from California has 10½ minutes remaining.

PARLIAMENTARY INQUIRY

Mr. HUIZENGA. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Michigan will state his parliamentary inquiry.

Mr. HUIZENGA. Mr. Speaker, may I also inquire as to how much time was taken off of the last—for the previous speaker?

The SPEAKER pro tempore. One additional minute was charged against the time of the gentlewoman from California.

Mr. HUIZENGA. Mr. Speaker, I continue to reserve the balance of my time.

Ms. WATERS. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. HECK), a senior member of the Financial Services Committee and sponsor of the emergency rental assistance title of this bill.

Mr. HECK. Mr. Speaker, I thank Chairwoman WATERS. I rise in support of H.R. 7301, and I thank the chair for including my legislation, the Emergency Rental Assistance Act, in this bill.

In 2 days, the rent comes due, and as we face historic levels of unemployment, far too many are going to come up short in their rent payment. Failure to address the rent crisis will have dire consequences for millions of Americans and for the housing ecosystem that fortifies our economy.

Our legislation has 150 House sponsors and the endorsement of almost 700 organizations, and it passed the House as a part of the HEROES Act. It provides $100 billion in rental assistance through the Emergency Solutions Grants program. It would change the lives of millions of tenants across the country who have been hit hard by the COVID–19 crisis.

Over 10 million families pay more than half of their incomes for rent. As job losses continue and eviction moratoriums expire, that is not going to improve. We must protect the housing ecosystem.

Residential rent payments are $50 billion each month and represent a chain of payment between staff, maintenance, and contractors. As unemployment claims remain at historic highs, we can't afford to lose those jobs.

This legislation is also for mom-and-pop landlords. Yes, they own more than half of the 20 million rental properties, and they can't afford a big rental income loss for a sustained period.

If we do nothing to stop the spike in evictions, in homelessness, communities of color will be hardest hit. We need to be fighting systemic racism, not exacerbating it.

So support this legislation. Keep Americans safely in their homes throughout the pandemic. Save the renters. Save the jobs. Save the housing ecosystem by voting ''yes'' on this measure.

Mr. HUIZENGA. Mr. Speaker, I continue to reserve the balance of my time.

Ms. WATERS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Massachusetts (Ms. PRESSLEY), a member of the Financial Services Committee.

Ms. PRESSLEY. Mr. Speaker, I thank Madam Chair for her leadership at such a time as this.

Two months ago, I stood before my colleagues in this Chamber sounding the alarms that, without immediate relief, millions in our communities would face housing instability and eviction.

Today I rise once more to remind us all that, in only 2 days, the rent is due. In my district, Massachusetts Seventh, 30 percent of families have missed a rent payment during the pandemic—30 percent.

Our families, in particular Black families, are on the edge of an eviction tsunami just as the renter protections put in place through the CARES Act are due to expire next month.

A report released yesterday by City Life/Vida Urbana found that 78 percent of all evictions filed in Boston before evictions were banned statewide were in census tracts where the majority of residents are people of color.

This is an issue of racial, economic, and health justice.

Housing is a critical determinant of public health, as evidenced by the disproportionately high infection rate amongst our neighbors experiencing homelessness. I am proud that this bill includes my Public Health Emergency Shelter Act and will provide more than $11 billion in funding for rapid rehousing and efforts to improve the health and safety of those experiencing homelessness.

We must support this critical legislation and affirm our commitment to housing as a human right and housing as a form of justice.

Mr. HUIZENGA. Mr. Speaker, I continue to reserve the balance of my time.

Ms. WATERS. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. GARCÍA), a member of the Financial Services Committee.

Mr. GARCÍA of Illinois. Mr. Speaker, I thank Madam Chair for yielding.

Mr. Speaker, I rise in support of the Emergency Housing Protections and Relief Act. This bill provides much-needed relief for renters and homeowners while more than 40 million people have filed for unemployment insurance and struggle to make ends meet.

My constituents need the help. My district is a working-class, largely immigrant district, and many people have not qualified for any relief so far.

□ 1500

Families just down the street in the barrio where I live and have lived for 50 years are being forced to choose between paying rent and putting food on the table or between making the mortgage payment or buying prescription medicine. Families are staring down the barrel at yet another first-of-the-month difficult decision: Will my family have a place to live?

Will we have food to eat?

Where will we go?

These are the very real questions that families are asking themselves.

Mr. Speaker, we must act with urgency to protect families. This Emergency Housing Protections and Relief Act is a lifeline for communities like mine. It prohibits landlords from evicting tenants for failure to pay rent; it provides $100 billion of assistance to renters and $75 billion to homeowners to keep everyone in their homes; and it strengthens the mortgage forbearance protections.

I know what a housing crisis looks like. During the last financial crisis, I saw my neighbors lose their homes. Without protections in place, economic recovery will be all but impossible. Congress must act now and pass H.R. 7301 to support our renters and homeowners.

Mr. HUIZENGA. Mr. Speaker, I continue to reserve the balance of my time.

Ms. WATERS. Mr. Speaker, I yield 1 minute to the gentlewoman from Oregon (Ms. BONAMICI), who is a member of the Committee on Education and Labor.

Ms. BONAMICI. Mr. Speaker, this week another month's rent or mortgage is due for millions of Americans who are out of work or barely making ends meet. Without swift action, many struggling Americans will soon face eviction or foreclosure.

I rise in strong support of the Emergency Housing Protections and Relief Act to help desperate families maintain stability by providing additional financial support and expanding protections that were included in the bipartisan CARES Act.

A family of five living in Sherwood, Oregon, wrote to me and said: ''It feels cruel to be facing eviction during a pandemic that stripped our family of its only income.'' It feels cruel, because it is cruel. And thousands more families will face the same cruel reality unless the President and Senate join us in acting swiftly.

Today, I led many of my colleagues in calling on HUD Secretary Carson to immediately extend protections for tenants in federally supported housing until the comprehensive solution before us today is signed into law.

Mr. Speaker, I thank Chairwoman WATERS for her leadership, and I urge all of my colleagues to support this important legislation.

Mr. HUIZENGA. Mr. Speaker, I continue to reserve the balance of my time.

Ms. WATERS. Mr. Speaker, I yield 30 seconds to the gentleman from Rhode Island (Mr. CICILLINE), who is a member of the Committee on the Judiciary.

Mr. CICILLINE. Mr. Speaker, during this pandemic millions of Americans have lost their jobs and are dangerously close to losing their homes. The relief this Congress provided has kept millions of Americans housed.

We must continue to act.

Thirty percent of renters are not able to pay their rent in June—one in three.

We passed the HEROES Act to provide emergency relief for renters and homeowners who desperately need it, because everyone deserves a safe home, especially during a pandemic when being in our houses keeps us safe.

The Senate has chosen not to act on the HEROES Act so we must pass the Emergency Housing Protections and Relief Act to ensure that millions of Americans remain in their housing until this pandemic ends and they are able to go back to work.

At a time of a national crisis, I urge my colleagues to please put aside their partisan bickering and obstruction and pass the Emergency Housing Protections and Relief Act.

Mr. HUIZENGA. Mr. Speaker, I do have an inquiry of the majority as to how many more speakers she may have.

Mr. Speaker, may I inquire as to the time remaining on both sides.

The SPEAKER pro tempore. The gentleman from Michigan has 15 minutes remaining. The gentlewoman from California has 4 minutes remaining.

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

Ms. WATERS. Mr. Speaker, I yield 45 seconds to the gentleman from New York (Mr. ESPAILLAT), who is a member of the Foreign Affairs Committee.

Mr. ESPAILLAT. Mr. Speaker, I thank Chairwoman WATERS for her steadfast support of tenants. With close to 130,000 deaths that are COVID–19 related, 40 million unemployed, these are difficult times.

But now we are facing a housing tsunami as millions of families go to sleep every night afraid and anxious of where they are going to get their rent money. The rent is too damn high.

That is why Congressman CHUY GARCÍA and I introduced the STAY HOME Act of 2020 that provides billions of dollars of financial support for renters. This is a good bill that will provide $100 billion for renters, people who really don't know where they are getting their money to pay their rent. They want to keep a roof over their head. They don't want to be homeless. This is a critical time in America, and this bill will produce the moneys that we need to ensure that people are not homeless.

Mr. HUIZENGA. Mr. Speaker, I continue to reserve the balance of my time.

Ms. WATERS. Mr. Speaker, I would like to inquire, if I may, how much time do I have remaining?

The SPEAKER pro tempore. The gentlewoman from California has 3¼ minutes remaining.

Ms. WATERS. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), who is the distinguished Speaker of the House of Representatives.

Ms. PELOSI. Mr. Speaker, I thank the gentlewoman for yielding and for her exceptional leadership on behalf of America's working families. I especially salute her now for bringing the Emergency Housing Protections and Relief Act to the floor. It is urgently needed, and I rise in support of it because it is, as I said, an urgently needed lifeline for working families as COVID–19 exacts its devastating impact on millions of lives and livelihoods across America.

I salute Chairwoman MAXINE WATERS, who, as the chair of the Financial Services Committee, is a relentless, persistent, and dissatisfied

force for good on behalf of America's working families, and she is especially focused on their financial security, housing being central to that.

I thank DENNY HECK for his leadership on this important legislation as well.

As we know, Mr. Speaker, there had been an affordable housing crisis in America long before this pandemic which challenges the conscience of our country and now has been exacerbated by COVID–19.

Before the crisis, one-quarter of America's 44 million renters paid over half their income on rent, putting them just one financial emergency away from eviction and homelessness. For many, COVID–19 is that one emergency.

Tens of millions of Americans have lost jobs, with rental households disproportionately affected. We cannot accept a situation in which millions of families are forced to make the devastating choice between paying the rent or paying for groceries, prescriptions, and other essentials, but even before COVID that was the challenge.

That is why earlier today we brought legislation to the floor to lower the cost of prescription drugs, because it had such an impact on the financial security of families, and now helping with the rent.

Thirty percent of renters could not make rent in June, exposing them to the threat of eviction, particularly as eviction bans that Democrats secured in the CARES Act end. Evictions are devastating, dismantling financial security, and exposing children and families to situations of financial instability that harm their health and well-being.

Children who experience evictions are already vulnerable. They are more likely to live in families earning low incomes, belong to communities of color which have a disproportionate impact here, and have more special education needs than children who don't face eviction.

I say this issue carefully because when I was a girl, my father was the mayor of Baltimore and my mother as first lady had, as her mission, affordable housing. She said: How can we teach children love and respect when we don't even show them that love and respect by giving them a decent place to live?

I was so proud because when she passed away many years after that, The Baltimore Sun used that statement in her obituary. But this has always been important.

When we did our Summit on Children, talking about their health, their education, and their financial security, health leaders told us that we must include housing in that because it has such an impact on the psychological well-being of children. So think of the children when you think of this, Mr. Speaker.

Again, in May, the House passed the HEROES Act, which secured $100 billion in emergency assistance to help 44 million rental households remain stably housed, along with another $100 billion for additional housing support and homelessness prevention initiatives, all of this under the leadership of Madam Chair MAXINE WATERS.

Again, she has been fighting this fight for a long time, reaching down into existing law and statute to find ways to take us forward.

Yet after we passed the HEROES Act, Leader MCCONNELL said that we had to take a pause—take a pause. The virus is not pausing, the rent demands are not pausing, and so we cannot pause. While McConnell is denying these families relief, the House will pass this bill to promote housing security.

We continue to call on the Senate to pass the HEROES Act to secure life-saving housing and homelessness prevention measures which include, as I said, the $100 billion, the $75 billion, and the $11.5 billion for assistance to people experiencing homelessness and for homelessness prevention, building on the $4 billion provided in the CARES Act. We need more now. It includes:

The freezing of evictions and foreclosures, including expanding the moratorium in the CARES Act to cover all renters until March 2021.

Rental assistance support for the most vulnerable in urban and rural areas, including seniors, persons with HIV/AIDS, people with disabilities, and people living in Tribes.

I am so pleased that Madam Chair put the special rural housing initiative in here. It includes rural emergency vouchers to support people who are homeless or at risk of homelessness, including those fleeing domestic violence and assault.

This COVID is a vicious and insidious virus. It is resourceful. It just is out there, and it attacks people, not only their lives, but their livelihood, their housing, their psychological well-being, and everything else. So there are other reasons we should be passing the HEROES Act, but right now I will stay focused on this.

I thank Madam Chair also for having the provisions that relate to staving off foreclosures for those who will not be able to pay the mortgage.

Mr. Speaker, I urge a strong bipartisan vote for the Emergency Housing Protections and Relief Act to safeguard America's housing and financial security during this time of crisis.

Mr. Speaker, we are asking people to shelter in place, to shelter at home, and they should do that. But because of COVID they may be evicted, but not if Madam Chair MAXINE WATERS has her way. I urge a strong bipartisan vote for financial security for America's working families.

□ 1515

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

Mr. Speaker, let's not be Pollyannaish. The facts are facts. Yes, our economy, for the first time in ever—certainly, in the modern era—came to a screeching halt, not because of bad business decisions, not because of malicious or malfeasance or illegal activities, much like we saw in the 2008, 2009, 2010, 2011 financial crisis that started in housing.

We don't know exactly where our recovery is going to go. We have gotten some good signs. But, again, we cannot be overly optimistic without being prepared. But facts are facts, and here is one fact: In April, we saw historic declines in new home purchases. I shouldn't say ''new homes.'' These were contracts to purchase homes.

In May, we saw a historic rebound of 44.3 percent. Why did that happen? Because in April, both buyers and sellers were sidelined by this pandemic. Why did we see this rebound in May? Because the American people have optimism, as well. That and basically zero interest rates from the Fed probably helped, too.

But that is the point. We have been coming together to try to turn this economy around.

Well, in this bill today, we are told that we can't wait. This bill can't wait. Yet, what you need to know is, this bill is not ready. And I will give you a perfect example of this.

Page 71, section 105 of the bill that was debated in the Rules Committee that had been part of the original HEROES Act, the so-called HEROES Act, from a month ago, was part of my colleague from Iowa Mrs. AXNE's standalone bill. It actually referenced a rural housing program as having $25 trillion, not $25 million as it had been intended, but $25 trillion in that.

Clearly, this bill has been a cut-and-paste job all the way along. It was rushed when it was the HEROES Act, the so-called HEROES Act, because that was part of the grab bag that was out there. It was rushed when my colleague, Mrs. AXNE, introduced it. It was rushed now in this bill.

So, it does beg the question: What else got missed, Mr. Speaker?

Well, here is what else: We are told that the money has run out. We have run out of the money that we have appropriated. What you need to know is that all the billions of dollars that were allocated have not yet been spent.

But, wait, we are told that this was spent already, and it isn't enough. Well, what you need to know is that they want to create new programs to spend hundreds of billions of dollars with zero new reforms or oversight put into this bill. None. That is not responsible.

While you were told that this bill is only going to go to the needy, the poor, the disenfranchised—after all, this is a homelessness program—what you need to know is they are going to send $6,000 per month—$6,000 per month—to someone making $131,000 in the Speaker's district—$131,000.

That person qualifies for a homelessness program? I can tell you, not in

west Michigan. I can tell you, not virtually anywhere else in the country.

I don't understand how my colleagues, with a straight face, can say that this is all about homelessness and all about helping those who have been disadvantaged and have not had a break in life. Well, $131,000 a year is a pretty darn good break in life, I think.

Mr. Speaker, I wish I had an opportunity to amend this bill. I would have some amendments. I wish we were doing a modified rule. It would even allow some of those amendments. Yet, here we are today, no input from anybody other than what the Speaker's office and the chair's office had said is going to be in this bill.

We are plowing ahead with a bill that we know will not see the light of day when it hits the Senate.

By the way, I am a little confused when the chair early on admonished me and said I should go and negotiate with the Senate about the bill that had been passed previously.

So, I say this a little tongue in cheek, but anybody who has watched ''Schoolhouse Rock!'' knows the House passes their legislation; the Senate passes their legislation; and then it comes together, if we are going to negotiate it out, not in the middle of this process.

Why not negotiate and amend the bill that is before us today, where it properly should be happening?

Mr. Speaker, at the end of the day, this is a serious, serious issue for our country. I know this. My family has been in construction and in housing for now three—going on a fourth—generations. We have seen it. We have seen the ups and downs. My grandfather, my namesake, started in the Depression era. My dad continued it through the 1970s, through the 1980s, into the 1990s. Then, I started getting involved. I have lived through a couple of economic downturns myself, trying to keep a family company afloat, trying to provide housing and jobs.

Mr. Speaker, here is what we need to do, in my opinion. We need to negotiate in good faith. This bill is not an attempt to do that today. I am disappointed in that. I wish we could, but I think, once again, we are seeing politics triumphing over people. We are seeing political footballs take the place of real policy issues.

When your objective is nothing but November, guess what? The American people lose. That is the shame in today's debate.

Mr. Speaker, I urge my colleagues to vote ''no.'' I know that there are some people on the other side of the aisle who are a little uncomfortable with this bill but don't feel they can vote ''no.'' I wish they had the courage of their convictions. Today, I will be voting ''no'' and encourage my colleagues as well.

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

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

Mr. Speaker, I come from a family of 13 children. We were poor. We lived in inadequate housing. It was cold in the wintertime, and the pipes froze on the inside of our house. In the summertime, it was too hot to be in the house. We sat on the stoop through the wee hours of the morning, trying to stay cool. But it was home.

I worried that we were going to be evicted, but my mother managed to put together the money, and we never got evicted. But my neighbors and my friends, I saw evicted. Maybe my friends on the opposite side of the aisle have never seen this. They don't understand this.

I have my friend from Michigan talking about a family that makes $131,000 per year. The Members of Congress make $175,000 a year, and we have Members of Congress who sleep free in this place, don't pay any rent when they are in Washington, D.C., and you have the audacity to come here and talk about denying assistance to people who are at the worst part of their lives to be evicted.

No, I do not yield. This is an emergency. The hospitals are filling up. Children are hungry. People have lost their jobs.

This is about whether or not people are going to have a place to lay their heads. This is about whether or not families are going to stay together. We have hospitals where the ICU rooms are all filled, and these people may be sick and not have a place to go home to.

So, I am not about to wait. Yes, he mocked us when we said we can't wait any longer. No, we cannot wait any longer.

Mr. Speaker, this is why I am in the Congress of the United States of America. This is why I came, for moments like this, to speak for the least of these, to speak for the poorest families in America, to speak for families when they need help.

This is an emergency. Our families need help, and I cannot wait. You should not wait.

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

Ms. MOORE. Mr. Speaker, I rise today in strong support of H.R. 7301, legislation to provide help to our renters, homeowners, and landlords who are at risk of becoming homeless. The bill would strengthen and renew critical protections to ensure that tens of millions of Americans can keep a roof over their heads. It also makes sure we can continue to get help to those who are already homeless.

The economic shock created by COVID–19 is still ongoing. Now is not the time to relax the protections that Congress has put in place. When this health crisis escalated in March and the House first acted, no one could imagine the devastation that would befall our communities. Over 120,000 Americans dead, more than 2 million infected. And the confirmed death and case counts remain on the rise. Our nation has experienced 14 straight weeks of over 1 million unemployment weekly claims and national unemployment rates that have tripled. Many have lost jobs and the only thing keeping them in their homes is either a local, state, or federal moratorium or the kindness of landlords.

We know we are engaged with a deadly foe that preys on the most vulnerable. Our new normal is not going away and our public policies need to respond to help the tens of millions of Americans who are now living on the edge, through no fault of their own.

In my state of Wisconsin, according to media reports, we saw ''eviction filings jumping 42 percent statewide in the first two weeks of June'' following the end of a statewide moratorium on such actions.

The number of eviction filings will only worsen if we allow the federal moratorium, currently scheduled to lapse no later than July 25 that affect federally subsidized housing and backed mortgages, to come to a sharp halt.

The Trump Administration and Senate Majority Leader MCCONNELL may be content to wait and watch as more and more Americans falter in these trying economic times, but we must not be so callous.

This bill would extend the eviction moratorium to March 27, 2021. It would also extend it to help all renters and provide $100 billion for an emergency rental assistance fund that would help renters cover their rent and utility bills, including any unpaid bills.

We also help homeowners by banning foreclosures for an additional 6 months and creating a Homeowner Assistance Fund that would help with mortgage payments, property taxes, property insurance, and other housing related costs.

The legislation also takes steps to help the homeless, who were already vulnerable before this pandemic. Strong funding for homeless assistance grants will help ensure that people experiencing homelessness are able to follow social distancing guidance and have access to necessary services to get them into permanent housing.

This bill would also give $1 billion to for new Housing Choice Vouchers that would be targeted to people experiencing or at risk of homelessness and survivors of domestic violence. Because homelessness leads many people to cycle through costly emergency systems and shortens life expectancy, it is good public policy to put resources toward keeping people from becoming homeless in the first place and helping those who are homeless get stable housing.

The middle of a pandemic is not the time to take away lifelines. Housing is crucially important. Let us act to help keep people homed and to support those experiencing homelessness.

As I said on this floor nearly four years ago, ''The American people deserve a Congress and a President who will keep them in their houses and in their homes.''

Ms. JACKSON LEE. Mr. Speaker, as a senior member of the Judiciary, Homeland Security, and Budget Committees, I rise in strong and enthusiastic support of H.R. 7301, the ''Emergency Housing Protections and Relief Act of 2020,'' which addresses the needs of renters and homeowners who have been severely impacted by the coronavirus pandemic through targeted relief measures.

In the month of June alone, 32 percent of renters were unable to fully pay their rent while 20 percent of renters were unable to make any rent payment at all.

According to the Mortgage Bankers Association, the number of homeowners in forbearance reached 4.2 million as of June 14, 2020.

The coronavirus pandemic has created a dire housing crisis that must be addressed immediately.

As more and more states across the country face a second wave of the coronavirus outbreak, it is imperative that we extend the eviction moratorium and other housing protections in an effort to prevent an increase in homelessness.

Texas is one of those states.

In the state alone, there are nearly 150,000 cases of coronavirus with over 2,300 deaths.

As the number of cases continue to rise dramatically, we must encourage tighter restrictions to slow the spread of the disease.

Yet, many people fear that abiding by tighter restrictions means a continued loss of income, which could then result in an inability to make a housing payment and consequently cause an eviction.

In fact, in Houston, Texas, eviction proceedings resumed as early as May 19, 2020.

Without an intervention from the Federal Government, we will soon see a dramatic spike in evictions and rates of homelessness.

Mr. Speaker, I stand here in support of H.R. 7301 because it not only protects renters, but it also provides targeted solutions that help landlords, homeowners, and people experiencing homelessness during this pandemic.

For example, it extends the eviction moratorium to March 27, 2021, and expands it to protect all renters.

It also provides low cost loans for landlords through the Federal Reserve and expands forbearance protections for all landlords.

Under H.R. 7301, $75 billion is invested in a Homeowner Assistance Fund that provides direct assistance to those who are struggling to pay their mortgage, property taxes, property insurance, and other housing-related costs.

The bill also allocates $11.5 billion for homeless assistance grants that ensure people who experiencing homelessness are able to follow social distancing guidance and have access to necessary services.

Mr. Speaker, the coronavirus epidemic has irrevocably changed the world.

It has affected every aspect of our lives, and, right now, it is affecting millions of Americans who are without an income and are terrified that they might not have a roof over their heads tomorrow.

And so, I urge my colleagues on both sides of the aisle to vote in favor of H.R. 7301 and provide much-needed housing protections to those who have been severely impacted by the pandemic.

Ms. JOHNSON of Texas. Mr. Speaker, today, I rise in support of H.R. 7301, the Emergency Housing Protections and Relief Act of 2020. This bill directly addresses the needs of renters and homeowners who have been severely impacted by this novel corona virus pandemic. As the provisions of this bill were also included in the Heroes Act which passed the House last month, I am dedicated to continuing pushing for these critically needed federal resources to reach our hard-hit communities.

As founder and co-chair of the Congressional Homelessness Caucus, I am proud of this effort to ensure that our most vulnerable constituents and families dealing with housing insecurity during COVID–19 are not forgotten. It is of utmost urgency that our communities are provided the resources needed to ensure that no individual faces homelessness due to the unprecedented societal and economic upheaval caused by this pandemic, as homelessness will only exacerbate the health-related dangers of this public health crisis.

Specifically, I am pleased that the three funding requests made by the Congressional Homelessness Caucus during the stimulus discussions have also been included in H.R. 7301. This bill will authorize an additional $11.5 billion in Emergency Solutions Grants for assistance to the homelessness services providers serving our communities. Additionally, $1 billion will be directed into emergency housing vouchers to provide permanent housing for individuals experiencing homelessness. Finally, this bill includes $100 billion to establish an Emergency Rental Assistance program to counter any rise in housing insecurity linked to the economic turmoil of this public health crisis.

The National Alliance to End Homelessness determined that during COVID–19, individuals experiencing homelessness are twice as likely to be hospitalized, two to four times as likely to require critical care, and two to three times as likely to die than the general population. It is our duty as representatives from each corner of this nation to prevent mounting housing instability and to care for our most vulnerable constituents. Therefore, I am proud to support the Emergency Housing Protections and Relief Act for the advancement of resources needed to address housing insecurity in our communities during this public health crisis.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1017, the previous question is ordered on the bill.

The question is on the engrossment and third reading of the bill.

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

MOTION TO RECOMMIT

Mr. HUIZENGA. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. HUIZENGA. I am currently opposed to the bill.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Huizenga moves to recommit the bill, H.R. 7301, to the Committee on Financial Services with instructions to report the same back to the House forthwith with the following amendment:

In section 101, strike subsection (k).

In section 101(l)(1)(A), strike ''prohibition on prerequisites,''.

At the end of title II, add the following new section:

SEC. 203. INCLUSION OF HOMELESS CHILDREN.

Section 103(a) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302(a)) is amended—

(1) at the end of paragraph (5)(C), by striking ''and'';

(2) at the end of paragraph (6)(C), by striking the period and inserting ''; and''; and

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

''(7) beginning upon the date of the enactment of this paragraph, homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2))), and the families thereof.''.''.

At the end of the bill, add the following new title:

TITLE III—PROTECTING LOCAL COMMUNITIES AND TAXPAYERS

SEC. 301. YES IN MY BACKYARD DEVELOPMENT LAND USE PLANS.

(a) IN GENERAL.—Section 104 of the Housing and Community Development Act of 1974 (42 U.S.C. 5304) is amended by adding at the end the following:

''(n) PLAN TO TRACK DISCRIMINATORY LAND USE POLICIES.—

''(1) IN GENERAL.—Prior to receipt in any fiscal year of a grant from the Secretary under subsection (b), (d)(1), or (d)(2)(B) of section 106, each recipient shall have prepared and submitted, not less frequently than once during the preceding 5-year period, in accordance with this subsection and in such standardized form as the Secretary shall, by regulation, prescribe, with respect to each land use policy described in paragraph (2) that is applicable to the jurisdiction served by the recipient, a description of—

''(A) whether the recipient has already adopted the policy in the jurisdiction served by the recipient;

''(B) the plan of the recipient to implement the policy in that jurisdiction; or

''(C) the ways in which adopting the policy will benefit the jurisdiction.

''(2) LAND USE POLICIES.—The policies described in this paragraph are as follows:

''(A) Enacting high-density single-family and multifamily zoning.

''(B) Expanding by-right multifamily zoned areas.

''(C) Allowing duplexes, triplexes, or fourplexes in areas zoned primarily for single-family residential homes.

''(D) Allowing manufactured homes in areas zoned primarily for single-family residential homes.

''(E) Allowing multifamily development in retail, office, and light manufacturing zones.

''(F) Allowing single-room occupancy development wherever multifamily housing is allowed.

''(G) Reducing minimum lot size.

''(H) Reducing the impact of historic preservation on housing production and affordability.

''(I) Increasing the allowable floor area ratio in multifamily housing areas.

''(J) Creating transit-oriented development zones.

''(K) Streamlining or shortening permitting processes and timelines, including through one-stop and parallel-process permitting.

''(L) Eliminating or reducing off-street parking requirements.

''(M) Ensuring impact and utility investment fees accurately reflect required infrastructure needs and related impacts on housing affordability are otherwise mitigated.

''(N) Allowing prefabricated construction.

''(O) Reducing or eliminating minimum unit square footage requirements.

''(P) Allowing the conversion of office units to apartments.

''(Q) Allowing the subdivision of single-family homes into duplexes.

''(R) Allowing accessory dwelling units, including detached accessory dwelling units, on all lots with single-family homes.

''(3) EFFECT OF SUBMISSION.—A submission under this subsection shall not be binding with respect to the use or distribution of amounts received under section 106.

''(4) ACCEPTANCE OR NONACCEPTANCE OF PLAN.—The acceptance or nonacceptance of any plan submitted under this subsection in which the information required under this subsection is provided is not an endorsement or approval of the plan, policies, or methodologies, or lack thereof.''.

(b) EFFECTIVE DATE.—The requirements under subsection (n) of section 104 of the Housing and Community Development Act of 1974 (42 U.S.C. 5304), as added by subsection (a), shall—

(1) take effect on the date that is 1 year after the date of enactment of this Act; and

(2) apply to recipients of a grant under subsection (b), (d)(1), or (d)(2)(B) of section 106 of the Housing and Community Development Act of 1974 (42 U.S.C. 5306) before, on, and after such date.

SEC. 302. LIMITATION.

Notwithstanding any other provision of law, any individual who is unlawfully present in the United States shall be ineligible to receive any financial assistance provided under this Act or any amendment made by this Act.

Mr. HUIZENGA (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading of the motion.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan is recognized for 5 minutes in support of his motion.

Mr. HUIZENGA. Mr. Speaker, this motion to recommit would remedy some of the shortfalls in H.R. 7301 and would add some bipartisanship to this legislation. This motion only strengthens this legislation and increases the chance of this bill making it through the Senate and being signed into law.

This amendment would simply add four provisions to the bill, each of which would reduce bureaucracy and increase oversight of these funds so that they reach the people who need them swiftly.

First, this amendment would harmonize the definitions of homelessness between HUD and the Department of Education. For too long, HUD has failed to think of the children who lack a permanent and stable home, shifting funding away from this vulnerable population, who, as the Department of Education acknowledges, is, in practice and in fact, homeless. Our amendment permanently ends that disparate treatment of the kids and makes them fully eligible for the substantial increase in funding at HUD under this bill.

Second, the amendment would include the bipartisan Yes in My Backyard Act, H.R. 4351, which passed the House by voice vote earlier this year. This provision would strengthen the oversight in this legislation and compel high-cost localities to consider the local regulations that have been put in place that increase housing costs and put increased rent and homeownership barriers on American families. Getting rid of these barriers would help cities all over America build more housing and lower costs for everyone.

Third, this amendment would get rid of the bureaucratic red tape currently in the bill that prevents some of our most accomplished and successful housing and addiction treatment service providers from being eligible to receive funds. Why the majority would want to disqualify shelters and other housing service providers that make it their mission to treat individuals who are struggling with alcoholism or drug addiction makes no sense at all to me.

Finally, this amendment would ensure that these funds would be directed to where they are needed: to the Nation's taxpayers and their dependents who are struggling right now. Basic common sense says that we should not be spending money on those who are unlawfully present in the United States at a time when millions of Americans and legal residents are out of work, overmatched with their bills, and fighting to do more with less.

Combined, these provisions would help make a bad bill better and give greater accountability and focus to the nearly $200 billion in new, unpaid-for, untargeted, unaccounted-for spending in this bill.

Mr. Speaker, I urge my colleagues to support this motion to recommit, and I yield back the balance of my time.

Ms. WATERS. Mr. Speaker, I claim the time in opposition.

The SPEAKER pro tempore. The gentlewoman from California is recognized for 5 minutes.

Ms. WATERS. Mr. Speaker, I rise in opposition to the amendment offered by my Republican colleague to H.R. 7301.

Mr. Speaker, the amendment before us does nothing to bring relief to struggling families. The amendment would deny millions of families, including children, assistance during a crisis because someone in their family is here without proper documentation. Racism, anti-immigrant policies hurt children the most.

We are on the precipice of a housing crisis not seen since the Great Depression, a crisis that threatens to strip countless families of a home at a time when they are being asked to stay home. The House must take emergency action to respond and pass emergency legislation.

□ 1530

Over the weekend, States across the country, including my home of California, experienced the highest levels of infection since the pandemic began.

On Sunday, Texas reported more than 5,000 cases for the sixth day in a row. Shortly after passage of the HEROES Act in May, Texas had 1,791 COVID–19 patients in hospital beds; yesterday, there were 5,500.

In California, hospitalizations have now increased by 32 percent, while ICUs have gone up 19 percent over the past 14 days.

These trends are similar in Arizona, Georgia, and Florida, and many of these States are halting their plans to reopen the economy. On Friday, Texas closed down bars across the State and on Saturday warned residents in San Antonio and Bexar County that local hospitals were approaching capacity.

Where exactly are COVID–19 patients expected to isolate when the hospitals fill up? We are not through with this pandemic, and recent trends suggest it is getting worse.

Six weeks ago, this Chamber passed the HEROES Act, but the Republican-led Senate and Trump administration have done nothing to advance the bill. This is totally unacceptable.

Fully one-third of renters were unable to pay their rent in June, and at least 4.2 million homeowners are now in forbearance. And we know evictions are already on the rise.

In North Carolina, 9,000 eviction cases have been filed since this moratorium expired last week.

In Columbus, Ohio, eviction hearings are taking place in a convention center to accommodate the number of cases and comply with social distancing guidelines.

In Tennessee, more than 9,000 eviction cases are pending in one county alone.

The Michigan State Court Administrative Office estimates 75,000 evictions will be filed when its moratorium ends this month.

I would like to share one story about someone this bill seeks to help. Deanna Brooks, a Navy veteran from Dallas, Texas, lost her job because of the pandemic. However, because her former employer was unresponsive, she had trouble collecting the needed documentation to collect unemployment or other assistance and was unable to pay rent, so her landlord filed for her to be evicted.

She has no friends or family she can move in with and has been in and out of the hospital because she has a heart condition. She said: ''I'm scared. They'll throw everything I have outside on the street. I have nowhere to go.''

In Delaware, Rhiannon Clark and her fiance were unable to pay their rent after Clark, who was a bartender, lost her job and her fiance fell ill with COVID–19 and couldn't go to work. Eventually, Clark and one of her two children also came down with the illness. Now her family faces eviction, even as they recover from COVID–19.

Mr. Speaker, on Wednesday, rent and mortgages are due for millions of families. These are two stories. They are sad stories. I fear that this is going to be repeated a million times over if Congress fails to act.

And so here we are, Members of Congress. We are comfortable. We can afford to pay our rent. We have millionaires in Congress. They can afford to pay the rent of a whole lot of people if they wanted to. And they are going to go home to their families. They are going to be safe, and they are going to be secure. And while they are in Washington, they don't pay any rent, many of them. They sleep in their offices at night. And yet they are talking about denying people rent who don't have another dime.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

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

The SPEAKER pro tempore. Pursuant to section 3 of House Resolution 965, the yeas and nays are ordered.

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

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess for a period of less than 15 minutes.

Accordingly (at 3 o'clock and 35 minutes p.m.), the House stood in recess.

□ 1547

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CUELLAR) at 3 o'clock and 47 minutes p.m.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 6742

Mr. GONZALEZ of Texas. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 6742.

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

There was no objection.

PROTECTING YOUR CREDIT SCORE ACT OF 2019

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of the bill (H.R. 5332) to amend the Fair Credit Reporting Act to ensure that consumer reporting agencies are providing fair and accurate information reporting in consumer reports, and for other purposes, will now resume.

The Clerk read the title of the bill.

MOTION TO RECOMMIT

Mr. RIGGLEMAN. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. RIGGLEMAN. Mr. Speaker, I am opposed to the bill in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Riggleman moves to recommit the bill H.R. 5332 to the Committee on Financial Services with instructions to report the same back to the House forthwith with the following amendment:

Strike section 3 and insert the following:

SEC. 3. PROHIBITION ON THE USE OF SOCIAL SECURITY NUMBERS.

(a) IN GENERAL.—Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is amended by adding at the end the following:

''(i) PROHIBITION ON THE USE OF SOCIAL SECURITY NUMBERS.—A consumer reporting agency described under section 603(p)—

''(1) may not make any consumer report containing a social security number; and

''(2) may not use the social security number of a consumer as a method to verify the consumer.''.

(b) CONFORMING AMENDMENT.—Section 609(a)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)(1)) is amended by striking ''except that—'' and all that follows through ''(B) nothing'' and inserting ''except that nothing''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2021.

Mr. RIGGLEMAN (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia is recognized for 5 minutes in support of his motion.

Mr. RIGGLEMAN. Mr. Speaker, this amendment will not kill the bill but simply ensure that it will not exacerbate the risks of identity theft or misuse of consumer data.

Mr. Speaker, a Social Security number may be the single most important piece of government-issued identification that a U.S. citizen can have.

H.R. 5332 takes that single most important piece of identification and increases its overuse, which will have negative consequences for consumers.

In the digital age, relying on one number that defines each of us has made us extremely vulnerable to identity theft. Someone can use your Social Security number to open credit cards, take loans in your name, and destroy your credit.

According to the Privacy Rights Clearinghouse, identity theft now affects between 500,000 and 700,000 people annually. Victims often do not discover the crime until months after its occurrence.

As we speak, Washington State is working to recover more than $500 million in unemployment benefits paid to criminals who used stolen identities to file claims during the coronavirus pandemic.

These attacks on data will only escalate. We are in a new era of economic and data warfare and creating a common node of exploitation, a Social Security number, in a centralized location will advance bad actors' ability to infiltrate our data.

When your Social Security number is exposed and sold through nefarious means, it is extremely difficult to simply go get a new one. This bill will cause a proliferation in the use of Social Security numbers. That is exactly the wrong direction to go.

The amendment I am offering simply ensures that we are not putting policies forward that increase the risks to consumers. During the floor debate, the bill's own sponsor agreed that we should be studying alternative ways to identify consumers as it relates to credit reporting.

The bill directs GAO to study the means and feasibility to replace our Social Security numbers as an identifier.

To that end, I would simply ask my colleagues, before we put consumers at risk, let's do our work. Let's see what GAO reports and work together on a bipartisan solution.

We need to make sure that whatever we do in the name of improving accuracy in credit reporting is not putting Americans at greater risk of fraud.

Mr. Speaker, I urge my colleagues to support this amendment.

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

Mr. CASTEN of Illinois. Mr. Speaker, I claim the time in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Illinois is recognized for 5 minutes.

Mr. CASTEN of Illinois. Mr. Speaker, I appreciate my colleague from Virginia. I greatly appreciate his service on the committee and his expertise in all matters of data integrity, and normally I defer to you on everything, but this one is kind of silly.

Look, we all know you can't open a bank account, you can't buy a car, you can't get a mortgage, you can't get a credit card without giving somebody your Social Security number. We also know, and you know well, that when the hackers want to try to get that data, they don't limit themselves to public websites, they go in to find where the servers are.

The Equifax breach wasn't because it was sitting in a public-facing consumer website, it was because they knew where the data was. All that data is still out there. We are not protecting anything by saying, let's not link this to a Social Security number.

We have a legit data issue. How are you going to uniquely identify every American? The way we do that now is through our Social Security number, we have to protect that.

We have to make sure that every company that maintains personal records of Americans bends over backwards to protect that data. For the most part they do, sometimes they don't. But you have absolutely no greater protection by saying that in this one specific instance on this one specific public-facing website you can't use a Social Security number.

Now, we know this. We all know this. That is why when we debated the bill in committee, we included the provision to put a yearlong study for the GAO to figure this out, to determine if maybe there is maybe some better unique identifier they could develop for this bill.

And, quite frankly, maybe we should apply that to a whole host of other issues. Maybe the Social Security number should not be the unique identifier. That is a long conversation. I trust the GAO, for a year, to figure that out.

And I have complete trust that in the next 5 minutes we are not going to come up with a wiser, more complete solution than the GAO will come up with over the next year, which it will take to roll this bill out. So all that would happen if we accept this MTR is to make a hasty decision.

It is not particularly well thought out, it doesn't solve an actual problem. For what? To stop people from actually making sure that they can protect themselves from faulty credit. Because this problem is going on right now. We have an economy that is in meltdown, and if people have bad credit because of some error and they can't buy a car and they can't open a bank account, they can't take out a mortgage, that slows down our economy.

Mr. Speaker, I urge all my colleagues, oppose this MTR and vote ''yes'' on the final package.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

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

The SPEAKER pro tempore. Pursuant to section 3 of House Resolution 965, the yeas and nays are ordered.

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

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Byrd, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested.

S. 2163. An act to establish the Commission on the Social Status of Black Men and Boys, to study and make recommendations to address social problems affecting Black men and boys, and for other purposes.

S. 2472. An Act to redesignate the NASA John II. Glenn Research Center at Plum Brook Station, Ohio, as the NASA John II. Glenn Research Center at the Neil A. Armstrong Test Facility.

S. 3377. An act to amend the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 to repeal the sunset provision.

S. 3798. An act to impose sanctions with respect to foreign persons involved in the erosion of certain obligations of China with respect to Hong Kong, and for other purposes.

S. 4091. An act to amend section 1113 of the Social Security Act to provide authority for fiscal year 2020 for increased payments for temporary assistance to United States citizens returned from foreign countries, and for other purposes.

STATE HEALTH CARE PREMIUM REDUCTION ACT

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the vote on the motion to recommit on the bill (H.R. 1425) to amend the Patient Protection and Affordable Care Act to provide for a Improve Health Insurance Affordability Fund to provide for certain reinsurance payments to lower premiums in the individual health insurance market, offered by the gentleman from Oregon (Mr. WALDEN), on which the yeas and nays were ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to recommit.

The vote was taken by electronic device, and there were—yeas 187, nays 223, not voting 20, as follows:

[Roll No. 123]

YEAS—187

Aderholt
Allen
Amodei
Armstrong
Arrington
Babin
Bacon
Baird
Balderson
Banks
Barr
Bergman
Biggs
Bilirakis
Bishop (NC)
Bishop (UT)
Bost
Brady
Brindisi
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burchett
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Cheney
Cline
Cloud
Cole
Collins (GA)
Comer
Conaway
Cook
Crawford
Crenshaw
Davidson (OH)
Davis, Rodney
DesJarlais
Diaz-Balart
Duncan
Dunn
Estes
Ferguson
Finkenauer
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxx (NC)
Fulcher
Gaetz
Garcia (CA)
Gianforte
Gibbs
Gohmert
Golden
Gonzalez (OH)
Gooden
Gottheimer
Graves (GA)
Graves (LA)
Graves (MO)
Green (TN)
Griffith
Grothman
Guest
Hagedorn
Harris
Hartzler
Hern, Kevin
Herrera Beutler
Hice (GA)
Higgins (LA)
Hill (AR)
Hollingsworth
Hudson
Huizenga
Hurd (TX)
Johnson (LA)
Johnson (OH)
Johnson (SD)
Jordan
Joyce (PA)
Keller
Kelly (MS)
Kelly (PA)
King (NY)
Kinzinger
Kustoff (TN)
LaHood
LaMalfa
Lamborn
Latta
Lesko
Long
Lucas
Luetkemeyer
Marshall
Massie
Mast
McAdams
McCarthy
McCaul
McClintock
McHenry
McKinley
Meuser
Miller
Mitchell
Moolenaar
Mooney (WV)
Mullin
Murphy (FL)
Murphy (NC)
Newhouse
Norman
Nunes
Olson
Palmer
Pence
Perry
Peterson
Posey
Reed
Reschenthaler
Rice (SC)
Riggleman
Roe, David P.
Rogers (AL)
Rogers (KY)
Rose (NY)
Rose, John W.
Rouzer
Roy
Rutherford
Scalise
Schweikert
Sensenbrenner
Sherrill
Shimkus
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smucker
Spano
Stauber
Stefanik
Steil
Steube
Stewart
Stivers
Taylor
Thompson (PA)
Thornberry
Tiffany
Timmons
Tipton
Turner
Upton
Van Drew
Wagner
Walberg
Walden
Walker
Walorski
Waltz
Watkins
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Wright
Yoho
Young
Zeldin

NAYS—223

Adams
Aguilar
Allred
Amash
Axne
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Carbajal
Cárdenas
Carson (IN)
Cartwright
Case
Casten (IL)
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Cisneros
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Cooper
Correa
Costa
Courtney
Cox (CA)
Craig
Crist
Crow
Cuellar
Cunningham
Davids (KS)
Davis (CA)
Dean
DeFazio
DeGette
DeLauro
DelBene
Delgado
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Engel
Escobar
Eshoo
Espaillat
Evans
Fletcher
Foster
Frankel
Fudge
Gabbard
Gallego
Garamendi
García (IL)
Garcia (TX)
Gomez
Gonzalez (TX)
Green, Al (TX)
Grijalva
Haaland
Harder (CA)
Hastings
Hayes
Heck
Higgins (NY)
Himes
Horn, Kendra S.
Horsford
Houlahan
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson (TX)
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kildee
Kilmer
Kim
Kind
Kirkpatrick
Krishnamoorthi
Kuster (NH)
Lamb
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee (CA)
Lee (NV)
Levin (CA)
Levin (MI)
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Luján
Luria
Lynch
Malinowski
Maloney, Carolyn B.
Maloney, Sean
Matsui
McBath
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Mfume
Moore
Morelle
Moulton
Mucarsel-Powell
Nadler
Napolitano
Neal
Neguse
Norcross
O'Halleran
Ocasio-Cortez
Omar
Pallone
Panetta
Pappas
Pascrell
Payne
Perlmutter
Peters
Phillips
Pingree
Pocan
Porter
Pressley
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rouda
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan
Sánchez
Sarbanes
Scanlon
Schakowsky
Schiff
Schneider
Schrader
Schrier
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shalala
Sherman
Sires
Slotkin
Smith (WA)
Soto
Spanberger
Speier
Stanton
Stevens
Suozzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tlaib
Tonko
Torres (CA)
Torres Small (NM)
Trahan
Trone
Underwood
Vargas
Veasey
Vela
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson Coleman
Welch
Wexton
Wild
Wilson (FL)
Yarmuth

NOT VOTING—20

Abraham
Curtis
Davis, Danny K.
Emmer
Gallagher
Gosar
Granger
Guthrie
Holding
Joyce (OH)
Katko
King (IA)
Loudermilk
Marchant
Palazzo
Roby
Rodgers (WA)
Rooney (FL)
Scott, Austin
Weber (TX)

□ 1636

Ms. TLAIB, Messrs. ROUDA and O'HALLERAN changed their vote from ''yea'' to ''nay.''

Messrs. OLSON, LAMALFA, and GOTTHEIMER changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

MEMBERS RECORDED PURSUANT TO HOUSE RESOLUTION 965, 116TH CONGRESS

Cárdenas (Gomez)
Cleaver (Clay)
Cohen (Beyer)
DeSaulnier (Matsui)
Frankel (Clark (MA))
Hastings (Wasserman Schultz)

Johnson (TX) (Jeffries)
Khanna (Gomez)
Kirkpatrick (Gallego)
Kuster (NH) (Brownley (CA))
Langevin (Lynch)
Lawson (FL) (Evans)
Lee (CA) (Huffman)
Lewis (Kildee)
Lieu, Ted (Beyer)
Lofgren (Boyle, Brendan F.)
Lowenthal (Beyer)
Lowey (Tonko)
McEachin (Wexton)
Meng (Tonko)
Moore (Beyer)
Nadler (Jeffries)
Napolitano (Correa)
Payne (Wasserman Schultz)
Pingree (Cicilline)
Price (NC) (Butterfield)
Rush (Underwood)
Sánchez (Roybal-Allard)
Serrano (Jeffries)
Speier (Scanlon)
Vargas (Levin (CA))
Watson Coleman (Pallone)
Welch (McGovern)
Wilson (FL) (Hayes)

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

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

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

The SPEAKER pro tempore. Pursuant to section 3 of House Resolution 965, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 234, nays 179, not voting 18, as follows:

[Roll No. 124]

YEAS—234

Adams
Aguilar
Allred
Axne
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brindisi
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Carbajal
Cárdenas
Carson (IN)
Cartwright
Case
Casten (IL)
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Cisneros
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Cooper
Correa
Costa
Courtney
Cox (CA)
Craig
Crist
Crow
Cuellar
Cunningham
Davids (KS)
Davis (CA)
Davis, Danny K.
Dean
DeFazio
DeGette
DeLauro
DelBene
Delgado
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Engel
Escobar
Eshoo
Espaillat
Evans
Finkenauer
Fitzpatrick
Fletcher
Foster
Frankel
Fudge
Gabbard
Gallego
Garamendi
García (IL)
Garcia (TX)
Golden
Gomez
Gonzalez (TX)
Gottheimer
Green, Al (TX)
Grijalva
Haaland
Harder (CA)
Hastings
Hayes
Heck
Higgins (NY)
Himes
Horn, Kendra S.
Horsford
Houlahan
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson (TX)
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kildee
Kilmer
Kim
Kind
Kirkpatrick
Krishnamoorthi
Kuster (NH)
Lamb
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee (CA)
Lee (NV)
Levin (CA)
Levin (MI)
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Luján
Luria
Lynch
Malinowski
Maloney, Carolyn B.
Maloney, Sean
Matsui
McAdams
McBath
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Mfume
Moore
Morelle
Moulton
Mucarsel-Powell
Murphy (FL)
Nadler
Napolitano
Neal
Neguse
Norcross
O'Halleran
Ocasio-Cortez
Omar
Pallone
Panetta
Pappas
Pascrell
Payne
Pelosi
Perlmutter
Peters
Phillips
Pingree
Pocan
Porter
Pressley
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rose (NY)
Rouda
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan
Sánchez
Sarbanes
Scanlon
Schakowsky
Schiff
Schneider
Schrader
Schrier
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shalala
Sherman
Sherrill
Sires
Slotkin
Smith (WA)
Soto
Spanberger
Speier
Stanton
Stevens
Suozzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tlaib
Tonko
Torres (CA)
Torres Small (NM)
Trahan
Trone
Underwood
Van Drew
Vargas
Veasey
Vela
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson Coleman
Welch
Wexton
Wild
Wilson (FL)
Yarmuth

NAYS—179

Aderholt
Allen
Amash
Amodei
Armstrong
Arrington
Babin
Bacon
Baird
Balderson
Banks
Barr
Bergman
Biggs
Bilirakis
Bishop (NC)
Bishop (UT)
Bost
Brady
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burchett
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Cheney
Cline
Cloud
Cole
Collins (GA)
Comer
Conaway
Cook
Crawford
Crenshaw
Davidson (OH)
Davis, Rodney
DesJarlais
Diaz-Balart
Duncan
Dunn
Estes
Ferguson
Fleischmann
Flores
Fortenberry
Foxx (NC)
Fulcher
Gaetz
Garcia (CA)
Gianforte
Gibbs
Gohmert
Gonzalez (OH)
Gooden
Graves (GA)
Graves (LA)
Graves (MO)
Green (TN)
Griffith
Grothman
Guest
Hagedorn
Harris
Hartzler
Hern, Kevin
Herrera Beutler
Hice (GA)
Higgins (LA)
Hill (AR)
Holding
Hollingsworth
Hudson
Huizenga
Hurd (TX)
Johnson (LA)
Johnson (OH)
Johnson (SD)
Jordan
Joyce (PA)
Keller
Kelly (MS)
Kelly (PA)
King (NY)
Kinzinger
Kustoff (TN)
LaHood
LaMalfa
Lamborn
Latta
Lesko
Long
Lucas
Luetkemeyer
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
Meuser
Miller
Mitchell
Moolenaar
Mooney (WV)
Mullin
Murphy (NC)
Newhouse
Norman
Nunes
Olson
Palmer
Pence
Perry
Peterson
Posey
Reed
Reschenthaler
Rice (SC)
Riggleman
Roe, David P.
Rogers (AL)
Rogers (KY)
Rose, John W.
Rouzer
Roy
Rutherford
Scalise
Schweikert
Sensenbrenner
Shimkus
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smucker
Spano
Stauber
Stefanik
Steil
Steube
Stewart
Stivers
Taylor
Thompson (PA)
Thornberry
Tiffany
Timmons
Tipton
Turner
Upton
Wagner
Walberg
Walden
Walker
Walorski
Waltz
Watkins
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Wright
Yoho
Young
Zeldin

NOT VOTING—18

Abraham
Curtis
Emmer
Gallagher
Gosar
Granger
Guthrie
Joyce (OH)
Katko
King (IA)
Loudermilk
Marchant
Palazzo
Roby
Rodgers (WA)
Rooney (FL)
Scott, Austin
Weber (TX)

□ 1716

Mr. SCOTT of Virginia changed his vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MEMBERS RECORDED PURSUANT TO HOUSE RESOLUTION 965, 116TH CONGRESS

Cárdenas (Gomez)
Cleaver (Clay)
Cohen (Beyer)
DeSaulnier (Matsui)
Frankel (Clark (MA))
Hastings (Wasserman Schultz)
Johnson (TX) (Jeffries)
Khanna (Gomez)
Kirkpatrick (Gallego)
Kuster (NH) (Brownley (CA))
Langevin (Lynch)
Lawson (FL) (Evans)
Lee (CA) (Huffman)
Lewis (Kildee)
Lieu, Ted (Beyer)
Lofgren (Boyle, Brendan F.)
Lowenthal (Beyer)
Lowey (Tonko)
McEachin (Wexton)
Meng (Tonko)
Moore (Beyer)
Nadler (Jeffries)
Napolitano (Correa)
Payne (Wasserman Schultz)
Pingree (Cicilline)
Price (NC) (Butterfield)
Rush (Underwood)
Sánchez (Roybal-Allard)
Serrano (Jeffries)
Speier (Scanlon)
Vargas (Levin (CA))
Watson Coleman (Pallone)
Welch (McGovern)
Wilson (FL) (Hayes)

PROTECTING YOUR CREDIT SCORE ACT OF 2019

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the vote on the motion to recommit on the bill (H.R. 5332) to amend the Fair Credit Reporting Act to ensure that consumer reporting agencies are providing fair and accurate information reporting in consumer reports, and for other purposes, offered by the gentleman from Virginia (Mr. RIGGLEMAN), on which the yeas and nays were ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to recommit.

The vote was taken by electronic device, and there were—yeas 184, nays 228, not voting 18, as follows:

[Roll No. 125]

YEAS—184

Aderholt
Allen
Amash
Amodei
Armstrong
Arrington
Babin
Bacon
Baird
Balderson
Banks
Barr
Bergman
Biggs
Bilirakis
Bishop (NC)
Bishop (UT)
Bost
Brady
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burchett
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Cheney
Cline
Cloud
Cole
Collins (GA)
Comer
Conaway
Cook
Crawford
Crenshaw
Curtis
Davidson (OH)
Davis, Rodney
DesJarlais
Diaz-Balart
Duncan
Dunn
Estes
Ferguson
Finkenauer
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxx (NC)
Fulcher
Gaetz
Garcia (CA)
Gianforte
Gibbs
Gohmert
Gonzalez (OH)
Gooden
Graves (GA)
Graves (LA)
Graves (MO)
Green (TN)
Griffith
Grothman
Guest
Hagedorn
Harris
Hartzler
Hern, Kevin
Herrera Beutler
Hice (GA)
Higgins (LA)
Hill (AR)
Holding
Hollingsworth
Hudson
Huizenga
Hurd (TX)
Johnson (LA)
Johnson (OH)
Johnson (SD)
Jordan
Joyce (PA)
Keller
Kelly (MS)
Kelly (PA)
King (NY)
Kinzinger
Kustoff (TN)
LaHood
LaMalfa
Lamborn
Latta
Lesko
Long
Lucas
Luetkemeyer
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
Meuser
Miller
Mitchell
Moolenaar
Mooney (WV)
Mullin
Murphy (NC)
Newhouse
Norman
Nunes
Olson

Palmer
Pence
Perry
Porter
Posey
Reed
Reschenthaler
Rice (SC)
Riggleman
Roe, David P.
Rogers (AL)
Rogers (KY)
Rose, John W.
Rouzer
Roy
Rutherford
Scalise
Schweikert
Sensenbrenner
Shimkus
Simpson
Slotkin
Smith (MO)
Smith (NE)
Smith (NJ)
Smucker
Spano
Stauber
Stefanik
Steil
Steube
Stewart
Stivers
Taylor
Thompson (PA)
Thornberry
Tiffany
Timmons
Tipton
Turner
Upton
Van Drew
Wagner
Walberg
Walden
Walker
Walorski
Waltz
Watkins
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Wright
Yoho
Young
Zeldin

NAYS—228

Adams
Aguilar
Allred
Axne
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brindisi
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Carbajal
Cárdenas
Carson (IN)
Cartwright
Case
Casten (IL)
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Cisneros
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Cooper
Correa
Costa
Courtney
Cox (CA)
Craig
Crist
Crow
Cuellar
Cunningham
Davids (KS)
Davis (CA)
Davis, Danny K.
Dean
DeFazio
DeGette
DeLauro
DelBene
Delgado
Demings
DeSaulnier
Deutch
Dingell
Doyle, Michael F.
Engel
Escobar
Eshoo
Espaillat
Evans
Fletcher
Foster
Frankel
Fudge
Gabbard
Gallego
Garamendi
García (IL)
Garcia (TX)
Golden
Gomez
Gonzalez (TX)
Gottheimer
Green, Al (TX)
Grijalva
Haaland
Harder (CA)
Hastings
Hayes
Heck
Higgins (NY)
Himes
Horn, Kendra S.
Horsford
Houlahan
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson (TX)
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kildee
Kilmer
Kim
Kind
Kirkpatrick
Krishnamoorthi
Kuster (NH)
Lamb
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee (CA)
Lee (NV)
Levin (CA)
Levin (MI)
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Luján
Luria
Lynch
Malinowski
Maloney, Carolyn B.
Maloney, Sean
Matsui
McAdams
McBath
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Mfume
Moore
Morelle
Moulton
Mucarsel-Powell
Murphy (FL)
Nadler
Napolitano
Neal
Neguse
Norcross
O'Halleran
Ocasio-Cortez
Omar
Pallone
Panetta
Pappas
Pascrell
Payne
Perlmutter
Peters
Peterson
Phillips
Pingree
Pocan
Pressley
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rose (NY)
Rouda
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan
Sánchez
Sarbanes
Scanlon
Schakowsky
Schiff
Schneider
Schrader
Schrier
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shalala
Sherman
Sherrill
Sires
Smith (WA)
Soto
Spanberger
Speier
Stanton
Stevens
Suozzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tlaib
Tonko
Torres (CA)
Torres Small (NM)
Trahan
Trone
Underwood
Vargas
Veasey
Vela
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson Coleman
Welch
Wexton
Wild
Wilson (FL)
Yarmuth

NOT VOTING—18

Abraham
Doggett
Emmer
Gallagher
Gosar
Granger
Guthrie
Joyce (OH)
Katko
King (IA)
Loudermilk
Marchant
Palazzo
Roby
Rodgers (WA)
Rooney (FL)
Scott, Austin
Weber (TX)

□ 1759

Messrs. COURTNEY and COX of California changed their vote from ''yea'' to ''nay.''

Messrs. SENSENBRENNER, FULCHER, and Ms. PORTER changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

MEMBERS RECORDED PURSUANT TO HOUSE RESOLUTION 965, 116TH CONGRESS

Cárdenas (Gomez)
Cleaver (Clay)
Cohen (Beyer)
DeSaulnier (Matsui)
Frankel (Clark (MA)
Hastings (Wasserman Schultz)
Johnson (TX) (Jeffries)
Khanna (Gomez)
Kirkpatrick (Gallego)
Kuster (NH) (Brownley (CA))
Langevin (Lynch)
Lawson (FL) (Evans)
Lee (CA) (Huffman)
Lewis (Kildee)
Lieu, Ted (Beyer)
Lofgren (Boyle, Brendan F.)
Lowenthal (Beyer)
Lowey (Tonko)
McEachin (Wexton)
Meng (Tonko)
Moore (Beyer)
Nadler (Jeffries)
Napolitano (Correa)
Payne (Wasserman Schultz)
Pingree (Cicilline)
Price (NC) (Butterfield)
Rush (Underwood)
Sánchez (Roybal-Allard)
Serrano (Jeffries)
Speier (Scanlon)
Vargas (Levin (CA))
Watson Coleman (Pallone)
Welch (McGovern)
Wilson (FL) (Hayes)

The SPEAKER pro tempore (Ms. DEGETTE). The question is on the passage of the bill.

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

POINT OF ORDER

Mr. MITCHELL. Madam Speaker, the Constitution requires physical presence to constitute a quorum.

By circumventing over 200 years of rules, the proxy voting established by House Resolution 965 is unconstitutional.

For that reason, I object to the vote on the grounds that a physical quorum is not present and I make a point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to section 3 of House Resolution 965, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 234, nays 179, not voting 17, as follows:

[Roll No. 126]

YEAS—234

Adams
Aguilar
Allred
Axne
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brindisi
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Carbajal
Cárdenas
Carson (IN)
Cartwright
Case
Casten (IL)
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Cisneros
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Cooper
Correa
Costa
Courtney
Cox (CA)
Craig
Crist
Crow
Cuellar
Cunningham
Davids (KS)
Davis (CA)
Davis, Danny K.
Dean
DeFazio
DeGette
DeLauro
DelBene
Delgado
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Engel
Escobar
Eshoo
Espaillat
Evans
Finkenauer
Fletcher
Foster
Frankel
Fudge
Gabbard
Gallego
Garamendi
García (IL)
Garcia (TX)
Golden
Gomez
Gonzalez (TX)
Gottheimer
Green, Al (TX)
Grijalva
Haaland
Harder (CA)
Hastings
Hayes
Heck
Higgins (NY)
Himes
Horn, Kendra S.
Horsford
Houlahan
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson (TX)
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kildee
Kilmer
Kim
Kind
Kirkpatrick
Krishnamoorthi
Kuster (NH)
Lamb
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee (CA)
Lee (NV)
Levin (CA)
Levin (MI)
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Luján
Luria
Lynch
Malinowski
Maloney, Carolyn B.
Maloney, Sean
Mast
Matsui
McAdams
McBath
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Mfume
Moore
Morelle
Moulton
Mucarsel-Powell
Murphy (FL)
Nadler
Napolitano
Neal
Neguse
Norcross
O'Halleran
Ocasio-Cortez
Omar
Pallone
Panetta
Pappas
Pascrell
Payne
Perlmutter
Peters
Phillips
Pingree
Pocan
Porter
Pressley
Price (NC)
Quigley
Raskin
Reed
Rice (NY)
Richmond
Rose (NY)
Rouda
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan
Sánchez
Sarbanes
Scanlon
Schakowsky
Schiff
Schneider
Schrader
Schrier
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shalala
Sherman
Sherrill
Sires
Slotkin
Smith (NJ)
Smith (WA)
Soto
Spanberger
Speier
Stanton
Stevens
Suozzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tlaib
Tonko
Torres (CA)
Torres Small (NM)
Trahan
Trone
Underwood
Vargas
Veasey
Vela
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson Coleman
Welch
Wexton
Wild
Wilson (FL)
Yarmuth

NAYS—179

Aderholt
Allen
Amash
Amodei
Armstrong
Arrington
Babin
Bacon
Baird
Balderson
Banks
Barr
Bergman
Biggs
Bilirakis
Bishop (NC)
Bishop (UT)
Bost
Brady
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burchett
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Cheney
Cline
Cloud
Cole
Collins (GA)
Comer
Conaway
Cook
Crawford
Crenshaw
Curtis
Davidson (OH)
Davis, Rodney
DesJarlais
Diaz-Balart
Duncan
Dunn
Estes
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxx (NC)
Fulcher
Gaetz
Garcia (CA)
Gianforte
Gibbs
Gohmert
Gonzalez (OH)
Gooden
Graves (GA)
Graves (LA)
Graves (MO)
Green (TN)
Griffith
Grothman
Guest
Hagedorn
Harris
Hartzler
Hern, Kevin
Herrera Beutler
Hice (GA)
Higgins (LA)
Hill (AR)
Holding
Hollingsworth
Hudson
Huizenga
Hurd (TX)
Johnson (LA)
Johnson (OH)
Johnson (SD)
Jordan
Joyce (PA)
Keller
Kelly (MS)
Kelly (PA)
King (NY)
Kinzinger
Kustoff (TN)
LaHood

LaMalfa
Lamborn
Latta
Lesko
Long
Lucas
Luetkemeyer
Marshall
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
Meuser
Miller
Mitchell
Moolenaar
Mooney (WV)
Mullin
Murphy (NC)
Newhouse
Norman
Nunes
Olson
Palmer
Pence
Perry
Peterson
Posey
Reschenthaler
Rice (SC)
Riggleman
Roe, David P.
Rogers (AL)
Rogers (KY)
Rose, John W.
Rouzer
Roy
Rutherford
Scalise
Schweikert
Sensenbrenner
Shimkus
Simpson
Smith (MO)
Smith (NE)
Smucker
Spano
Stauber
Stefanik
Steil
Steube
Stewart
Stivers
Taylor
Thompson (PA)
Thornberry
Tiffany
Timmons
Tipton
Turner
Upton
Van Drew
Wagner
Walberg
Walden
Walker
Walorski
Waltz
Watkins
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Wright
Yoho
Young
Zeldin

NOT VOTING—17

Abraham
Emmer
Gallagher
Gosar
Granger
Guthrie
Joyce (OH)
Katko
King (IA)
Loudermilk
Marchant
Palazzo
Roby
Rodgers (WA)
Rooney (FL)
Scott, Austin
Weber (TX)

□ 1836

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MEMBERS RECORDED PURSUANT TO HOUSE RESOLUTION 965, 116TH CONGRESS

Cárdenas (Gomez)
Cleaver (Clay)
Cohen (Beyer)
DeSaulnier (Matsui)
Frankel (Clark (MA))
Hastings (Wasserman Schultz)
Johnson (TX) (Jeffries)
Khanna (Gomez)
Kirkpatrick (Gallego)
Kuster (NH) (Brownley (CA))
Langevin (Lynch)
Lawson (FL) (Evans)
Lee (CA) (Huffman)
Lewis (Kildee)
Lieu, Ted (Beyer)
Lofgren (Boyle, Brendan F.)
Lowenthal (Beyer)
Lowey (Tonko)
McEachin (Wexton)
Meng (Tonko)
Moore (Beyer)
Nadler (Jeffries)
Napolitano (Correa)
Payne (Wasserman Schultz)
Pingree (Cicilline)
Price (NC) (Butterfield)
Rush (Underwood)
Sánchez (Roybal-Allard)
Serrano (Jeffries)
Speier (Scanlon)
Vargas (Levin (CA))
Watson Coleman (Pallone)
Welch (McGovern)
Wilson (FL) (Hayes)

EMERGENCY HOUSING PROTECTIONS AND RELIEF ACT OF 2020

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the vote on the motion to recommit on the bill (H.R. 7301) to prevent evictions, foreclosures, and unsafe housing conditions resulting from the COVID–19 pandemic, and for other purposes, offered by the gentleman from Michigan (Mr. HUIZENGA), on which the yeas and nays were ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore (Ms. DEGETTE). The question is on the motion to recommit.

The vote was taken by electronic device, and there were—yeas 191, nays 219, not voting 20, as follows:

[Roll No. 127]

YEAS—191

Aderholt
Allen
Amodei
Armstrong
Arrington
Axne
Babin
Bacon
Baird
Balderson
Banks
Barr
Bergman
Biggs
Bilirakis
Bishop (NC)
Bishop (UT)
Bost
Brady
Brindisi
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burchett
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Cheney
Cline
Cloud
Cole
Collins (GA)
Comer
Conaway
Cook
Crawford
Crenshaw
Cunningham
Curtis
Davidson (OH)
Davis, Rodney
DesJarlais
Diaz-Balart
Duncan
Dunn
Estes
Ferguson
Finkenauer
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxx (NC)
Fulcher
Gaetz
Garcia (CA)
Gianforte
Gibbs
Gohmert
Gonzalez (OH)
Gooden
Graves (GA)
Graves (LA)
Graves (MO)
Green (TN)
Griffith
Grothman
Guest
Hagedorn
Harris
Hartzler
Hern, Kevin
Herrera Beutler
Hice (GA)
Higgins (LA)
Hill (AR)
Hollingsworth
Horn, Kendra S.
Hudson
Huizenga
Hurd (TX)
Johnson (LA)
Johnson (OH)
Johnson (SD)
Jordan
Joyce (PA)
Keller
Kelly (MS)
Kelly (PA)
Kim
King (NY)
Kinzinger
Kustoff (TN)
LaHood
LaMalfa
Lamb
Lamborn
Latta
Lee (NV)
Lesko
Long
Lucas
Luetkemeyer
Luria
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
Meuser
Miller
Mitchell
Moolenaar
Mooney (WV)
Mullin
Murphy (NC)
Newhouse
Norman
Nunes
Olson
Palmer
Pappas
Pence
Perry
Peterson
Posey
Reed
Reschenthaler
Rice (SC)
Riggleman
Roe, David P.
Rogers (AL)
Rogers (KY)
Rose, John W.
Rouzer
Roy
Rutherford
Scalise
Schweikert
Sensenbrenner
Shimkus
Simpson
Slotkin
Smith (MO)
Smith (NE)
Smith (NJ)
Smucker
Spanberger
Spano
Stauber
Stefanik
Steil
Steube
Stewart
Stivers
Taylor
Thompson (PA)
Thornberry
Tiffany
Timmons
Tipton
Turner
Upton
Van Drew
Wagner
Walberg
Walden
Walorski
Waltz
Watkins
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Wright
Yoho
Young
Zeldin

NAYS—219

Adams
Aguilar
Allred
Amash
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brownley (CA)
Bustos
Butterfield
Carbajal
Cárdenas
Carson (IN)
Cartwright
Case
Casten (IL)
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Cisneros
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Cooper
Correa
Costa
Courtney
Cox (CA)
Craig
Crist
Crow
Cuellar
Davids (KS)
Davis (CA)
Davis, Danny K.
Dean
DeFazio
DeGette
DeLauro
DelBene
Delgado
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Engel
Escobar
Eshoo
Espaillat
Evans
Fletcher
Foster
Frankel
Fudge
Gabbard
Gallego
Garamendi
García (IL)
Garcia (TX)
Golden
Gomez
Gonzalez (TX)
Gottheimer
Green, Al (TX)
Grijalva
Haaland
Harder (CA)
Hastings
Hayes
Heck
Higgins (NY)
Himes
Horsford
Houlahan
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson (TX)
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kildee
Kilmer
Kind
Kirkpatrick
Krishnamoorthi
Kuster (NH)
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee (CA)
Levin (CA)
Levin (MI)
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Luján
Lynch
Malinowski
Maloney, Carolyn B.
Maloney, Sean
Matsui
McAdams
McBath
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Mfume
Moore
Morelle
Moulton
Mucarsel-Powell
Murphy (FL)
Nadler
Napolitano
Neal
Neguse
Norcross
O'Halleran
Ocasio-Cortez
Omar
Pallone
Panetta
Pascrell
Payne
Perlmutter
Peters
Phillips
Pingree
Pocan
Porter
Pressley
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rose (NY)
Rouda
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan
Sánchez
Sarbanes
Scanlon
Schakowsky
Schiff
Schneider
Schrader
Schrier
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shalala
Sherman
Sherrill
Sires
Smith (WA)
Soto
Speier
Stanton
Stevens
Suozzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tlaib
Tonko
Torres (CA)
Torres Small (NM)
Trahan
Trone
Underwood
Vargas
Veasey
Vela
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson Coleman
Welch
Wexton
Wild
Wilson (FL)
Yarmuth

NOT VOTING—20

Abraham
Brown (MD)
Emmer
Gallagher
Gosar
Granger
Guthrie
Holding
Joyce (OH)
Katko
King (IA)
Loudermilk
Marchant
Palazzo
Roby
Rodgers (WA)
Rooney (FL)
Scott, Austin
Walker
Weber (TX)

□ 1922

Mr. HARDER of California, Mses. SCANLON, JACKSON LEE, and Mr. COX of California changed their vote from ''yea'' to ''nay.''

Messrs. CLOUD and OLSON changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

MEMBERS RECORDED PURSUANT TO HOUSE RESOLUTION 965, 116TH CONGRESS

Cárdenas (Gomez)
Cleaver (Clay)
Cohen (Beyer)
DeSaulnier (Matsui)
Frankel (Clark (MA)
Hastings (Wasserman Schultz)
Johnson (TX) (Jeffries)
Khanna (Gomez)
Kirkpatrick (Gallego)
Kuster (NH) (Brownley (CA))
Langevin (Lynch)
Lawson (FL) (Evans)
Lee (CA) (Huffman)
Lewis (Kildee)
Lieu, Ted (Beyer)
Lofgren (Boyle, Brendan F.)
Lowenthal (Beyer)
Lowey (Tonko)
McEachin (Wexton)
Meng (Tonko)
Moore (Beyer)
Nadler (Jeffries)
Napolitano (Correa)
Payne (Wasserman Schultz)
Pingree (Cicilline)
Price (NC) (Butterfield)
Rush (Underwood)
Sánchez (Roybal-Allard)
Serrano (Jeffries)
Speier (Scanlon)
Vargas (Levin (CA))
Watson Coleman (Pallone)
Welch (McGovern)
Wilson (FL) (Hayes)

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

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

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

The SPEAKER pro tempore. Pursuant to section 3 of House Resolution 965, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 232, nays 180, not voting 19, as follows:

[Roll No. 128]

YEAS—232

Adams
Aguilar
Allred
Axne
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brindisi
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Carbajal
Cárdenas
Carson (IN)
Cartwright
Case
Casten (IL)
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Cisneros
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Cooper
Correa
Costa
Courtney
Cox (CA)
Craig
Crist
Crow
Cuellar
Cunningham
Davids (KS)
Davis (CA)
Davis, Danny K.
Dean
DeFazio
DeGette
DeLauro
DelBene
Delgado
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Engel
Escobar
Eshoo
Espaillat
Evans
Finkenauer
Fletcher
Foster
Frankel
Fudge
Gabbard
Gallego
Garamendi
García (IL)
Garcia (TX)
Golden
Gomez
Gonzalez (TX)
Gottheimer
Green, Al (TX)
Grijalva
Haaland
Harder (CA)
Hastings
Hayes
Heck
Higgins (NY)
Himes
Horn, Kendra S.
Horsford
Houlahan
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson (TX)
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kildee
Kilmer
Kim
Kind
Kirkpatrick
Krishnamoorthi
Kuster (NH)
Lamb
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee (CA)
Lee (NV)
Levin (CA)
Levin (MI)
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Luján
Luria
Lynch
Malinowski
Maloney, Carolyn B.
Maloney, Sean
Matsui
McAdams
McBath
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Mfume
Moore
Morelle
Moulton
Mucarsel-Powell
Murphy (FL)
Nadler
Napolitano
Neal
Neguse
Norcross
O'Halleran
Ocasio-Cortez
Omar
Pallone
Panetta
Pappas
Pascrell
Payne
Pelosi
Perlmutter
Peters
Peterson
Phillips
Pingree
Pocan
Porter
Pressley
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rose (NY)
Rouda
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan
Sánchez
Sarbanes
Scanlon
Schakowsky
Schiff
Schneider
Schrier
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shalala
Sherman
Sherrill
Sires
Slotkin
Smith (WA)
Soto
Spanberger
Speier
Stanton
Stevens
Suozzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tlaib
Tonko
Torres (CA)
Torres Small (NM)
Trahan
Trone
Underwood
Vargas
Veasey
Vela
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson Coleman
Welch
Wexton
Wild
Wilson (FL)
Yarmuth

NAYS—180

Aderholt
Allen
Amash
Amodei
Armstrong
Arrington
Babin
Bacon
Baird
Balderson
Banks
Barr
Bergman
Biggs
Bilirakis
Bishop (NC)
Bishop (UT)
Bost
Brady
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burchett
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Cheney
Cline
Cloud
Cole
Collins (GA)
Comer
Conaway
Cook
Crawford
Crenshaw
Curtis
Davidson (OH)
Davis, Rodney
DesJarlais
Diaz-Balart
Duncan
Dunn
Estes
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxx (NC)
Fulcher
Gaetz
Garcia (CA)
Gianforte
Gibbs
Gohmert
Gonzalez (OH)
Gooden
Graves (GA)
Graves (LA)
Graves (MO)
Green (TN)
Griffith
Grothman
Guest
Hagedorn
Harris
Hartzler
Hern, Kevin
Herrera Beutler
Hice (GA)
Higgins (LA)
Hill (AR)
Hollingsworth
Hudson
Huizenga
Hurd (TX)
Johnson (LA)
Johnson (OH)
Johnson (SD)
Jordan
Joyce (PA)
Keller
Kelly (MS)
Kelly (PA)
King (NY)
Kinzinger
Kustoff (TN)
LaHood
LaMalfa
Lamborn
Latta
Lesko
Long
Lucas
Luetkemeyer
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
Meuser
Miller
Mitchell
Moolenaar
Mooney (WV)
Mullin
Murphy (NC)
Newhouse
Norman
Nunes
Olson
Palmer
Pence
Perry
Posey
Reed
Reschenthaler
Rice (SC)
Riggleman
Roe, David P.
Rogers (AL)
Rogers (KY)
Rose, John W.
Rouzer
Roy
Rutherford
Scalise
Schrader
Schweikert
Sensenbrenner
Shimkus
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smucker
Spano
Stauber
Stefanik
Steil
Steube
Stewart
Stivers
Taylor
Thompson (PA)
Thornberry
Tiffany
Timmons
Tipton
Turner
Upton
Van Drew
Wagner
Walberg
Walden
Walorski
Waltz
Watkins
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Wright
Yoho
Young
Zeldin

NOT VOTING—19

Abraham
Emmer
Gallagher
Gosar
Granger
Guthrie
Holding
Joyce (OH)
Katko
King (IA)
Loudermilk
Marchant
Palazzo
Roby
Rodgers (WA)
Rooney (FL)
Scott, Austin
Walker
Weber (TX)

□ 2004

Mr. VAN DREW changed his vote from ''yea'' to ''nay.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MEMBERS RECORDED PURSUANT TO HOUSE RESOLUTION 965, 116TH CONGRESS

Cárdenas (Gomez)
Cleaver (Clay)
Cohen (Beyer)
DeSaulnier (Matsui)
Frankel (Clark (MA))
Hastings (Wasserman Schultz)
Johnson (TX) (Jeffries)
Khanna (Gomez)
Kirkpatrick (Gallego)
Kuster (NH) (Brownley (CA))
Langevin (Lynch)
Lawson (FL) (Evans)
Lee (CA) (Huffman)
Lewis (Kildee)
Lieu, Ted (Beyer)
Lofgren (Boyle, Brendan F.)
Lowenthal (Beyer)
Lowey (Tonko)
McEachin (Wexton)
Meng (Tonko)
Moore (Beyer)
Nadler (Jeffries)
Napolitano (Correa)
Payne (Wasserman Schultz)
Pingree (Cicilline)
Price (NC) (Butterfield)
Rush (Underwood)
Sánchez (Roybal-Allard)
Serrano (Jeffries)
Speier (Scanlon)
Vargas (Levin (CA))
Watson Coleman (Pallone)
Welch (McGovern)
Wilson (FL) (Hayes)

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF RULE SUBMITTED BY OFFICE OF THE COMPTROLLER OF THE CURRENCY RELATING TO ''COMMUNITY REINVESTMENT ACT REGULATIONS''

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the vote on passage of the joint resolution (H.J. Res. 90) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Office of the Comptroller of the Currency relating to ''Community Reinvestment Act Regulations'' on which the yeas and nays were ordered.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The vote was taken by electronic device, and there were—yeas 230, nays 179, not voting 21, as follows:

[Roll No. 129]

YEAS—230

Adams
Aguilar
Allred
Axne
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brindisi
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Carbajal
Cárdenas
Carson (IN)
Cartwright
Case
Casten (IL)
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Cisneros
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Cooper
Correa
Costa
Courtney
Cox (CA)
Craig
Crist
Crow
Cuellar
Cunningham
Davids (KS)
Davis (CA)
Davis, Danny K.
Dean
DeFazio
DeGette
DeLauro
DelBene
Delgado
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Engel
Escobar
Eshoo
Espaillat
Evans
Finkenauer
Fletcher
Foster
Frankel
Fudge
Gabbard
Gallego
García (IL)
Garcia (TX)
Golden
Gomez
Gonzalez (TX)
Green, Al (TX)
Grijalva
Haaland
Harder (CA)
Hastings
Hayes
Heck
Higgins (NY)
Himes
Horn, Kendra S.
Horsford
Houlahan
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson (TX)
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kildee
Kilmer
Kim
Kind
Kirkpatrick
Krishnamoorthi
Kuster (NH)
Lamb
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee (CA)
Lee (NV)
Levin (CA)
Levin (MI)
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Luján
Luria
Lynch
Malinowski
Maloney, Carolyn B.
Maloney, Sean
Matsui
McAdams
McBath
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Mfume
Moore
Morelle
Moulton
Mucarsel-Powell
Murphy (FL)
Nadler
Napolitano
Neal
Neguse
Norcross
O'Halleran
Ocasio-Cortez
Omar
Pallone
Panetta
Pappas
Pascrell
Payne
Perlmutter
Peters
Peterson
Phillips
Pingree
Pocan
Porter
Pressley
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rose (NY)
Rouda
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan
Sánchez
Sarbanes

Scanlon
Schakowsky
Schiff
Schneider
Schrader
Schrier
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shalala
Sherman
Sherrill
Sires
Slotkin
Smith (WA)
Soto
Spanberger
Speier
Stanton
Stevens
Suozzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tlaib
Tonko
Torres (CA)
Torres Small (NM)
Trahan
Trone
Underwood
Vargas
Veasey
Vela
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson Coleman
Welch
Wexton
Wild
Wilson (FL)
Yarmuth

NAYS—179

Aderholt
Allen
Amash
Amodei
Armstrong
Arrington
Babin
Bacon
Baird
Balderson
Banks
Barr
Bergman
Biggs
Bilirakis
Bishop (NC)
Bishop (UT)
Bost
Brady
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burchett
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Cheney
Cline
Cloud
Cole
Collins (GA)
Comer
Conaway
Cook
Crawford
Crenshaw
Curtis
Davidson (OH)
Davis, Rodney
DesJarlais
Diaz-Balart
Duncan
Dunn
Estes
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxx (NC)
Fulcher
Gaetz
Garcia (CA)
Gianforte
Gibbs
Gohmert
Gonzalez (OH)
Gooden
Graves (GA)
Graves (LA)
Graves (MO)
Green (TN)
Griffith
Grothman
Guest
Hagedorn
Harris
Hartzler
Hern, Kevin
Herrera Beutler
Hice (GA)
Higgins (LA)
Hill (AR)
Hollingsworth
Hudson
Huizenga
Hurd (TX)
Johnson (LA)
Johnson (OH)
Johnson (SD)
Jordan
Joyce (PA)
Keller
Kelly (MS)
Kelly (PA)
King (NY)
Kinzinger
Kustoff (TN)
LaHood
LaMalfa
Lamborn
Latta
Lesko
Long
Lucas
Luetkemeyer
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
Meuser
Miller
Mitchell
Moolenaar
Mooney (WV)
Mullin
Murphy (NC)
Newhouse
Norman
Nunes
Olson
Palmer
Pence
Perry
Posey
Reed
Reschenthaler
Rice (SC)
Riggleman
Roe, David P.
Rogers (AL)
Rogers (KY)
Rose, John W.
Rouzer
Roy
Rutherford
Scalise
Schweikert
Sensenbrenner
Shimkus
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smucker
Spano
Stauber
Stefanik
Steil
Steube
Stewart
Stivers
Taylor
Thompson (PA)
Thornberry
Tiffany
Timmons
Tipton
Turner
Upton
Van Drew
Wagner
Walberg
Walden
Walorski
Waltz
Watkins
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Wright
Yoho
Young
Zeldin

NOT VOTING—21

Abraham
Emmer
Gallagher
Garamendi
Gosar
Gottheimer
Granger
Guthrie
Holding
Joyce (OH)
Katko
King (IA)
Loudermilk
Marchant
Palazzo
Roby
Rodgers (WA)
Rooney (FL)
Scott, Austin
Walker
Weber (TX)

□ 2041

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. EMMER. Mr. Speaker, on June 29, I was unable to be present in the House Chamber to cast my vote on several pieces of legislation. If present, I would have voted YEA on the Motion to Recommit (RC No. 123), NAY on H.R. 1425 (RC No. 124), YEA on the Motion to Recommit (RC No. 125), NAY on H.R. 5332 (RC No. 126), YEA on the Motion to Recommit (RC No. 127), NAY on H.R. 7301 (RC No. 128), and NAY on H.J. Res. 90 (RC No. 129).

MEMBERS RECORDED PURSUANT TO HOUSE RESOLUTION 965, 116TH CONGRESS

Cárdenas (Gomez)
Cleaver (Clay)
Cohen (Beyer)
DeSaulnier (Matsui)
Frankel (Clark (MA))
Hastings (Wasserman Schultz)
Johnson (TX) (Jeffries)
Khanna (Gomez)
Kirkpatrick (Gallego)
Kuster (NH) (Brownley (CA))
Langevin (Lynch)
Lawson (FL) (Evans)
Lee (CA) (Huffman)
Lewis (Kildee)
Lieu, Ted (Beyer)
Lofgren (Boyle, Brendan F.)
Lowenthal (Beyer)
Lowey (Tonko)
McEachin (Wexton)
Meng (Tonko)
Moore (Beyer)
Nadler (Jeffries)
Napolitano (Correa)
Payne (Wasserman Schultz)
Pingree (Cicilline)
Price (NC) (Butterfield)
Rush (Underwood)
Sánchez (Roybal-Allard)
Serrano (Jeffries)
Speier (Scanlon)
Vargas (Levin (CA))
Watson Coleman (Pallone)
Welch (McGovern)
Wilson (FL) (Hayes)

EMERGENCY AID FOR RETURNING AMERICANS AFFECTED BY CORONAVIRUS ACT

Mr. GOMEZ. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 4091) to amend section 113 of the Social Security Act to provide authority for fiscal year 2020 for increased payments for temporary assistance to United States citizens returned from foreign countries, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. ROUDA). Is there objection to the request of the gentleman from California?

There was no objection.

The text of the bill is as follows:

S. 4091

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Emergency Aid for Returning Americans Affected by Coronavirus Act''.

SEC. 2. INCREASE IN AGGREGATE PAYMENTS FOR FISCAL YEAR 2020.

(a) IN GENERAL.—Section 1113(d) of the Social Security Act (42 U.S.C. 1313(d)) is amended by striking ''fiscal years 2017 and 2018'' and all that follows through the period and inserting ''fiscal year 2020, the total amount of such assistance provided during such fiscal year shall not exceed $10,000,000.''.

(b) EMERGENCY DESIGNATION.—

(1) IN GENERAL.—The amounts provided by the amendment made by this section are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

(2) DESIGNATION IN SENATE.—In the Senate, this section and the amendment made by this section are designated as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018.

SEC. 3. LIMIT ON DIRECT CONTACT WITH REPATRIATED INDIVIDUALS DURING COVID–19 EMERGENCY PERIOD.

During the emergency period described in section 1135(g)(1)(B) of the Social Security Act (42 U.S.C. 1320b–5(g)(1)(B)), in providing temporary assistance under section 1113 of such Act (42 U.S.C. 1313), no employee of the Administration for Children and Families of the Department of Health and Human Services shall have direct, in-person contact with an individual specified in section 1113(a)(1) of such Act (42 U.S.C. 1313(a)(1)), except in the case of a uniformed member of the Regular Corps or the Ready Reserve Corps of the Commissioned Corps of the Public Health Service (as described in section 203 of the Public Health Service Act (42 U.S.C. 204)) in an active duty status who, as determined by the Secretary of Health and Human Services, has—

(1) received appropriate training on infection prevention and control; and

(2) access to appropriate personal protective equipment.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

□ 2045

PERMISSION FOR MEMBER TO BE CONSIDERED AS FIRST SPONSOR OF H.R. 3739

Mrs. LESKO. Mr. Speaker, I ask unanimous consent that I may hereafter be considered to be the first sponsor of H.R. 3739, a bill originally introduced by Representative CHRIS COLLINS of New York, for the purposes of adding cosponsors and requesting reprintings pursuant to clause 7 of rule XII.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces the Speaker's extension, pursuant to section 1(b)(2) of House Resolution 965, and effective July 5, 2020, of a ''covered period'' designated on May 20, 2020.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that the Speaker's announced policy of April 7, 2020, will remain in effect through July 31, 2020.

COMMUNICATION FROM THE REPUBLICAN LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable KEVIN MCCARTHY, Republican Leader:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 29, 2020.

Hon. NANCY PELOSI,
Speaker of the House,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to Section 7221(b)(1)(A)(x) of the National Defense

Authorization Act for Fiscal Year 2020 (P.L. 116–92), I am pleased to appoint the following member to the Commission on Combating Synthetic Opioid Trafficking: Ms. Karen Tandy of Annandale, Virginia.

Thank you for your attention to this matter.

Sincerely,

KEVIN MCCARTHY,
Republican Leader.

COMMUNICATION FROM THE REPUBLICAN LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable KEVIN MCCARTHY, Republican Leader:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 29, 2020.

Hon. NANCY PELOSI,
Speaker of the House,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to Section 7221(b)(1)(A)(x) of the National Defense Authorization Act for Fiscal Year 2020 (P.L. 116–92), I am pleased to appoint the following Member to the Commission on Combating Synthetic Opioid Trafficking: The Honorable Fred Upton of Michigan.

Thank you for your attention to this matter.

Sincerely,

KEVIN MCCARTHY,
Republican Leader.

INCREASE IN DRUG PRICES

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

Mr. MCNERNEY. Mr. Speaker, as a mathematician and a Member of Congress sent here to represent the interests of my constituents, I am baffled by the arguments made by my Republican colleagues regarding the Patient Protection and Affordable Care Enhancement Act. They don't seem to understand simple math.

The facts are that one in four Americans report their prescriptions are too expensive and brand name drug prices have jumped 60 percent in just a year's time. At this rate, the majority of Americans are becoming unable to afford their medications.

Meanwhile, the CBO has estimated that this bill would reduce drug prices by up to 55 percent for the covered drugs. This would offset the increase of those brand name prescriptions.

We are sent here to do what is right for the American people, not for the pharmaceutical companies who raked in $5.1 billion in 1 year through the price increases of just seven drugs.

It is time for my Republican colleagues to do the math and, more importantly, listen to their constituents.

HONORING ELIZABETH BRUNER

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to recognize Elizabeth Bruner of Blairsville, Pennsylvania. Elizabeth was recently honored by the National 4–H Shooting Sports Teen Ambassador program.

4–H has a storied past across the country—in rural America in particular—and has created youth programs that have fostered agricultural innovation.

Some of Elizabeth's favorite 4–H activities include breeding and market livestock, wildlife, forestry, and her favorite: shooting sports.

Elizabeth was selected as one of two individuals by a committee of 4–H educators from across the Commonwealth of Pennsylvania to be a teen ambassador for Pennsylvania to promote 4–H and 4–H shooting sports. Ambassadors receive training that they can take back to their communities to advocate for 4–H at the county, regional, and State level.

During her experience as an ambassador, Elizabeth will further her skills in public presentation, citizenship, community service, as well as many other areas.

I am certain Elizabeth will represent this organization and promote its purpose well.

UTAHNS NEED BETTER HEALTHCARE COVERAGE

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

Mr. MCADAMS. Mr. Speaker, Utahns want and deserve quality healthcare that they can afford. Now more than ever, our families need a peace of mind that a preexisting condition or getting laid off from a job won't cost them their insurance coverage or prevent them from getting treatment for a sick family member.

That is why I supported the Patient Protection and Affordable Care Enhancement Act today. It strengthens the Affordable Care Act for individuals, families, children, and helps Utah continue its Medicaid expansion.

According to the Congressional Budget Office, the legislation would lower individual healthcare premiums by 10 percent and give an additional 4 million people coverage. It also lowers prescription drug prices, like insulin, by allowing negotiations on the price of selected drugs.

Utahns should not have to ration or forgo lifesaving medication because they cannot afford their prescriptions. This bill provides much-needed relief to seniors, individuals, children, and families and will lead to overall improved health.

CONGRATULATING BISHOP GREGORY HARTMAYER

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

Mr. CARTER of Georgia. Mr. Speaker, I rise today to congratulate Bishop Gregory Hartmayer for being named the seventh archbishop of Atlanta by Holy Father Pope Francis.

Bishop Hartmayer has remarkably served several roles in the church for over 40 years, including as a guidance counselor, teacher, and eventually school principal for Catholic high schools.

After spending many years in New York and Massachusetts, Bishop Hartmayer moved to Georgia to serve as a pastor and then bishop.

He has been recognized by his community, family, and friends as a kind, faithful, and humble servant of the Lord.

Bishop Hartmayer was appointed the 14th bishop of the Diocese of Savannah by Pope Benedict the 16th in 2011. I was honored to have him as my guest at Pope Francis' speech to a joint session of Congress in 2015.

His life has been marked by graciously sharing wisdom, peace, and clarity with everyone he encounters and freely giving his resources for the good of others.

I thank Bishop Hartmayer for his service to the people of the Diocese of Savannah and to Georgia's First Congressional District. I know God will continue to use him in amazing ways as he serves as the seventh archbishop of Atlanta, and I wish him all the best.

WEAR YOUR MASK TO SAVE LIVES

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

Ms. JACKSON LEE. Mr. Speaker, I stand here on the floor of the House wearing my mask in order to indicate not only to my own hometown, Houston, Texas, Harris County, and the State of Texas, but also to the Nation, that we are in the midst of a COVID–19 pandemic that is killing Americans, upwards of numbers that we have never seen.

We now are at 500,000 dead worldwide and 10 million cases. In the United States, we have 2.5 million cases and now upwards of 125,000 to 126,000 dead.

It is imperative that we take this seriously and that this becomes not partisan, not bipartisan, but with no partisanship whatsoever.

It is important to wear your mask, to clean your hands, to have social distance, no matter who you are. And it is imperative that we test, test, test.

I opened the first testing site on March 19. I have opened 13 since. I will be leaving here to go home to open more testing sites.

Houstonians and Harris Countians are clamoring for tests. Let the government not stop testing. Test, test, test. We have to save lives.

Wear your mask to save lives.

REMEMBERING BILLY MOUNGER

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

Mr. GUEST. Mr. Speaker, I rise today to honor the memory of a great Mississippian. Billy Mounger helped shape the landscape of State and national politics.

He helped build the Mississippi Republican Party from an almost nonexistent political group to a party with a supermajority in the State legislature that holds all statewide elected positions and five out of six of Mississippi's seats in the United States House and United States Senate.

He also served as Mississippi's chairman at the 1976 Republican convention for someone who would later become one of the greatest Presidents in our lifetime: Ronald Reagan.

Billy Mounger's dedication extended beyond politics, as he led in a variety of community interests. From the United States Military academies and his alma mater of West Point to the International Ballet Competition, he excelled in building institutions to serve the people around him.

Our State and our Nation will benefit for generations to come, thanks to the life well lived by Billy Mounger.

STOP NEEDLE EXCHANGE AND DISTRIBUTION PROGRAMS

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

Mr. LAMALFA. Mr. Speaker, needle exchange and distribution programs are doing nothing to get people off drugs, and our neighborhoods are suffering as a result.

There is a facility in my district in Chico that distributes needles at local parks where families with children normally congregate.

Now, on top of that, as a result of coronavirus, they have also started to deliver them directly to addicts' homes.

We deserve better than a government that indiscriminately panders to addicts, so today I introduced the MEND Our Neighborhoods Act, a bill that would reinstate the Federal funding prohibition on needle distribution programs.

Law-abiding citizens should not have to deal with the fact that they may be exposed to a used dirty needle in our parks, on our sidewalks, or virtually anywhere that an addict can sit down and shoot up.

Enabling drug users should not take precedent over the health and safety of our areas and our parks, so that families can enjoy normal outdoor activities in our public places and in our parks.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. JACKSON LEE (at the request of Mr. HOYER) for today on account of personal family matters.

ADJOURNMENT

The SPEAKER pro tempore. Pursuant to section 4(b) of House Resolution 967, the House stands adjourned until 9 a.m. tomorrow for morning-hour debate and 10 a.m. for legislative business.

Thereupon (at 8 o'clock and 57 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, June 30, 2020, at 9 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

4601. A letter from the OSD FRLO, Office of the Secretary, Department of Defense, transmitting the Department's final rule — TRICARE Pharmacy Benefits Program Reforms [DOD-2018-HA-0062] (RIN: 0720-AB75) received June 11, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Armed Services.

4602. A letter from the Congressional Assistant II, Board of Governors of the Federal Reserve System, transmitting the Board's Major final rule — Regulations Q, Y, and YY: Regulatory Capital, Capital Plan, and Stress Test Rules [Docket No.: R-1603] (RIN: 7100-AF02) received June 11, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Financial Services.

4603. A letter from the Congressional Assistant II, Board of Governors of the Federal Reserve System, transmitting the Board's Major final rule — Total Loss-Absorbing Capacity, Long-Term Debt, and Clean Holding Company Requirements for Systemically Important U.S. Bank Holding Companies and Intermediate Holding Companies of Systemically Important Foreign Banking Organizations: Eligible Retained Income [Regulation YY; Docket No.: R-1706] (RIN: 7100-AF80) received June 11, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Financial Services.

4604. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Regulatory Capital Rule: Revised Transition of the Current Expected Credit Losses Methodology for Allowances; Correction (RIN: 3064-AF46) received June 12, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Financial Services.

4605. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Regulatory Capital Rule: Temporary Exclusion of U.S. Treasury Securities and Deposits at Federal Reserve Banks From the Supplementary Leverage Ratio for Depository Institutions (RIN: 3064-AF44) received June 12, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Financial Services.

4606. A letter from the General Counsel, Federal Housing Finance Agency, transmitting the Agency's Major final rule — Federal Home Loan Bank Housing Goals Amendments (RIN: 2590-AA82) received June 12, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Financial Services.

4607. A letter from the Compliance Specialist, Wage and Hour Division, Department of Labor, transmitting the Department's Major final rule — Fluctuating Workweek Method of Computing Overtime (RIN: 1235-AA31) received June 12, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Education and Labor.

4608. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Tobacco Products; Required Warnings for Cigarette Packages and Advertisements; Delayed Effective Date [Docket No.: FDA-2019-N-3065] (RIN: 0910-AI39) received June 11, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

4609. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Food Additives Permitted in Feed and Drinking Water of Animals; Silicon Dioxide [Docket No.: FDA-2019-F-3911] received June 11, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

4610. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — 1-Aminocyclopropane-1-carboxylic Acid (ACC); Temporary Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2019-0367; FRL-10009-44] received June 11, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

4611. A letter from the Program Analyst, Office of Managing Director, Performance Evaluation and Records Management, International Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Parts 2 and 25 of the Commission's Rules to Facilitate the Use of Earth Stations in Motion Communicating with Geostationary Orbit Space Stations in Frequency Bands Allocated to the Fixed Satellite Service [IB Docket No.: 17-95]; Facilitating the Communications of Earth Stations in Motion with Non-Geostationary Orbit Space Stations [IB Docket No: 18-315] received June 12, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

4612. A letter from the Director, Office of Regulatory Affairs and Collaborative Action, Bureau of Indian Affairs/Indian Education, Department of the Interior, transmitting the Department's final rule — Standards, Assessments, and Accountability System [190D0102DR/DS5A300000/DR.5A311.IA000119] (RIN: 1076-AF13) received June 12, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

4613. A letter from the Director, Office of Regulatory Affairs and Collaborative Action, Bureau of Indian Affairs, Department of the Interior, transmitting the Department's final rule — Tribal Transportation Program; Inventory of Proposed Roads [201A2100DD/AAKC001030/A0A501010.999900 253G] (RIN: 1076-AF45) received June 12, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

4614. A letter from the Agency Representative, United States Patent and Trademark Office, Department of Commerce, transmitting the Department's final rule — Patent Term Adjustment Reductions in View of the Federal Circuit Decision in Supernus Pharm., Inc. v. Iancu. [Docket No.: PTO-P-2019-0019] (RIN: 0651-AD38) received June 12, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public

Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on the Judiciary.

4615. A letter from the Deputy Chief of Staff, Office of the General Counsel, Department of Homeland Security, transmitting the Department's final rule — Disclosure of Information in Litigation received June 12, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Homeland Security.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. SPANO:

H.R. 7397. A bill to amend the Small Business Act to provide that certain chambers of commerce and destination marketing organizations are eligible for loans under the paycheck protection program, and for other purposes; to the Committee on Small Business.

By Mr. BISHOP of Utah:

H.R. 7398. A bill to establish the Western Emergency Refined Petroleum Products Reserve; to the Committee on Armed Services.

By Mr. BEYER (for himself and Mr. CONNOLLY):

H.R. 7399. A bill to require the Administrator of the Environmental Protection Agency to conduct a feasibility study regarding the use of the shadow price of carbon in Federal spending decisions to take into account the resulting carbon dioxide emissions, and for other purposes; to the Committee on Oversight and Reform.

By Mr. DUNCAN (for himself, Mr. GOSAR, Mr. ARMSTRONG, and Mrs. RODGERS of Washington):

H.R. 7400. A bill to prohibit a moratorium on the use of hydraulic fracturing; to the Committee on Natural Resources, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FLORES:

H.R. 7401. A bill to provide for Federal and State agency coordination in the approval of certain authorizations under the Natural Gas Act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GARCÍA of Illinois (for himself, Ms. LEE of California, Ms. PRESSLEY, Mrs. CAROLYN B. MALONEY of New York, Ms. HAALAND, Ms. TLAIB, Ms. SCHAKOWSKY, Ms. VELÁZQUEZ, Ms. NORTON, Mr. MCGOVERN, Mr. SERRANO, Ms. JAYAPAL, Mr. ESPAILLAT, Mrs. HAYES, Ms. WATERS, Mr. MCNERNEY, Ms. JUDY CHU of California, Ms. OCASIO-CORTEZ, Mr. NADLER, Mr. CARSON of Indiana, Ms. GARCIA of Texas, Ms. KAPTUR, Mr. COHEN, Mrs. KIRKPATRICK, Mr. KENNEDY, Mr. HASTINGS, and Mr. MFUME):

H.R. 7402. A bill to provide a temporary moratorium on eviction filings, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HOULAHAN (for herself and Mr. JOYCE of Pennsylvania):

H.R. 7403. A bill to amend the Small Business Act to exempt certain contracts awarded to small business concerns from category management requirements, and for other purposes; to the Committee on Small Business.

By Mr. JOHNSON of Ohio:

H.R. 7404. A bill to repeal restrictions on the export and import of natural gas; to the Committee on Energy and Commerce.

By Mr. JOHNSON of Ohio:

H.R. 7405. A bill to assess and improve the competitiveness of American civilian nuclear commerce, to expedite Department of Energy review of certain nuclear technology exports, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KINZINGER:

H.R. 7406. A bill to streamline nuclear technology regulatory permitting and licensing, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LAMALFA:

H.R. 7407. A bill to prohibit the use of Federal funds to carry out or support a program that distributes hypodermic needles or syringes; to the Committee on Energy and Commerce.

By Mr. MCCAUL (for himself and Mr. CUELLAR):

H.R. 7408. A bill to abolish the United States and Foreign Commercial Service, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Financial Services, and Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RICHMOND:

H.R. 7409. A bill to temporarily extend participation in the 8(a) program of the Small Business Administration, and for other purposes; to the Committee on Small Business.

By Mrs. RODGERS of Washington (for herself, Mr. DUNCAN, and Mr. NEWHOUSE):

H.R. 7410. A bill to modernize the hydropower licensing process and to promote next generation hydropower projects, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Oversight and Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SLOTKIN (for herself and Mr. TURNER):

H.R. 7411. A bill to prohibit the procurement by the Director of the Defense Logistics Agency of certain items containing a perfluoroalkyl substance or polyfluoroalkyl substance; to the Committee on Armed Services.

By Mr. THOMPSON of California:

H.R. 7412. A bill to establish a temporary voluntary program for support of insurers providing business interruption insurance coverage during the COVID-19 pandemic, and for other purposes; to the Committee on Financial Services.

By Mrs. WAGNER (for herself and Mr. CLAY):

H.R. 7413. A bill to direct the Administrator of the Small Business Administration to establish or certify a calculator that assists lenders and recipients with paycheck protection program loan forgiveness, and for other purposes; to the Committee on Small Business.

By Mr. YOHO (for himself and Mr. BERA):

H.R. 7414. A bill to establish the Taiwan Fellowship Program, and for other purposes; to the Committee on Foreign Affairs.

By Mr. RICHMOND:

H.J. Res. 92. A joint resolution proposing an amendment to the Constitution of the United States to prohibit the use of slavery and involuntary servitude as a punishment for a crime; to the Committee on the Judiciary.

By Mr. TED LIEU of California (for himself, Mr. NEGUSE, Mr. RASKIN, Ms. DEAN, Mr. CICILLINE, Mrs. DEMINGS, Mr. SWALWELL of California, Mr. MCNERNEY, Ms. WILD, Mr. CONNOLLY, and Mr. COHEN):

H. Res. 1029. A resolution amending the Rules of the House of Representatives with respect to the enforcement of committee subpoenas to executive branch officials, and for other purposes; to the Committee on Rules.

By Ms. ROYBAL-ALLARD (for herself, Mr. WITTMAN, Mr. MCGOVERN, and Mr. SIMPSON):

H. Res. 1030. A resolution supporting the goals and ideals of National Public Health Week; to the Committee on Energy and Commerce.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. SPANO:

H.R. 7397.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. BISHOP of Utah:

H.R. 7398.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8 Clause 14

By Mr. BEYER:

H.R. 7399.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. DUNCAN:

H.R. 7400.

Congress has the power to enact this legislation pursuant to the following:

By Mr. FLORES:

H.R. 7401.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. GARCÍA of Illinois:

H.R. 7402.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Ms. HOULAHAN:

H.R. 7403.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, of the U.S. Constitution

By Mr. JOHNSON of Ohio:

H.R. 7404.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the US Constitution

By Mr. JOHNSON of Ohio:

H.R. 7405.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the US Constitution

By Mr. KINZINGER:

H.R. 7406.

Congress has the power to enact this legislation pursuant to the following:

Article I, Sec. 8, Clause 3 (Commerce Clause); and Article I, Section 8, Clause 18 (Necessary and Proper Clause).

By Mr. LAMALFA:

H.R. 7407.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clause 1

By Mr. MCCAUL:

H.R. 7408.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States

By Mr. RICHMOND:

H.R. 7409.

Congress has the power to enact this legislation pursuant to the following:

This bill is introduced pursuant to the powers granted to Congress under the General Welfare Clause (Art. 1 Sec. 8 Cl. 1), the Commerce Clause (Art. 1 Sec. 8 Cl. 3), and the Necessary and Proper Clause (Art. 1 Sec. 8 Cl. 18).

Further, this statement of constitutional authority is made for the sole purpose of compliance with clause 7 of Rule XII of the Rules of the House of Representatives and shall have no bearing on judicial review of the accompanying bill.

By Mrs. RODGERS of Washington:

H.R. 7410.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3.

By Ms. SLOTKIN:

H.R. 7411.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Necessary and Proper Clause: ''To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.''

By Mr. THOMPSON of California:

H.R. 7412.

Congress has the power to enact this legislation pursuant to the following:

ARTICLE 1

By Mrs. WAGNER:

H.R. 7413.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Mr. YOHO:

H.R. 7414.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8: Powers of the Congress

By Mr. RICHMOND:

H.J. Res. 92.

Congress has the power to enact this legislation pursuant to the following:

This bill is introduced pursuant to the powers granted to Congress under the General Welfare Clause (Art. 1 Sec. 8 Cl. 1), the Commerce Clause (Art. 1 Sec. 8 Cl. 3), and the Necessary and Proper Clause (Art. 1 Sec. 8 Cl. 18).

Further, this statement of constitutional authority is made for the sole purpose of compliance with clause 7 of Rule XII of the Rules of the House of Representatives and shall have no bearing on judicial review of the accompanying bill.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 155: Mr. SPANO.

H.R. 1032: Ms. DELBENE.

H.R. 1166: Mr. SUOZZI.

H.R. 1379: Ms. TORRES SMALL of New Mexico.

H.R. 1417: Mrs. BEATTY and Mr. KENNEDY.

H.R. 1574: Mr. GONZALEZ of Ohio.

H.R. 1695: Mr. MALINOWSKI.

H.R. 1880: Mr. KENNEDY.

H.R. 2086: Mr. WALTZ and Mrs. BROOKS of Indiana.

H.R. 2179: Ms. CHENEY.

H.R. 2213: Mrs. MURPHY of Florida.

H.R. 2895: Ms. SPEIER.

H.R. 2986: Mr. AGUILAR and Ms. BROWNLEY of California.

H.R. 3121: Ms. BROWNLEY of California.

H.R. 4041: Mr. TAKANO.

H.R. 4070: Ms. SEWELL of Alabama.

H.R. 4104: Mr. HIMES and Ms. WASSERMAN SCHULTZ.

H.R. 4179: Mr. SCOTT of Virginia, Mr. BROWN of Maryland, Mr. CARTWRIGHT, and Mr. DEFAZIO.

H.R. 4410: Mr. DUNCAN.

H.R. 4697: Mr. PETERS.

H.R. 4701: Mr. CICILLINE.

H.R. 4958: Mr. GAETZ.

H.R. 5262: Mrs. NAPOLITANO.

H.R. 5293: Mr. TIMMONS.

H.R. 5297: Mr. HORSFORD and Mr. THOMPSON of Mississippi.

H.R. 5494: Ms. BONAMICI.

H.R. 5504: Mr. GARAMENDI.

H.R. 5547: Ms. FINKENAUER.

H.R. 5552: Ms. MUCARSEL-POWELL and Mr. GARCÍA of Illinois.

H.R. 5572: Mr. KENNEDY and Mr. THOMPSON of Pennsylvania.

H.R. 5602: Ms. SCHAKOWSKY, Ms. DAVIDS of Kansas, Mrs. NAPOLITANO, and Ms. ESHOO.

H.R. 5873: Mr. PASCRELL, Ms. DEAN, Mrs. TRAHAN, Ms. ROYBAL-ALLARD, Mr. LUJÁN, Mr. FORTENBERRY, Mr. MCEACHIN, and Mr. STIVERS.

H.R. 6033: Mr. GONZALEZ of Texas.

H.R. 6082: Mr. BRINDISI and Mr. BEYER.

H.R. 6308: Ms. NORTON.

H.R. 6364: Mr. LAWSON of Florida, Mr. SMUCKER, and Mr. LIPINSKI.

H.R. 6370: Mr. GARCÍA of Illinois, Mr. TED LIEU of California, Mr. EVANS, and Mr. COHEN.

H.R. 6495: Mr. SIRES.

H.R. 6623: Mrs. LURIA.

H.R. 6646: Ms. JUDY CHU of California and Mr. TAKANO.

H.R. 6670: Ms. HERRERA BEUTLER.

H.R. 6697: Mr. SPANO.

H.R. 6703: Mr. ROUDA and Mrs. BEATTY.

H.R. 6788: Ms. SPEIER and Mr. LAWSON of Florida.

H.R. 6829: Mr. KING of New York, Mr. BOST, Mr. CARTWRIGHT, Mrs. LEE of Nevada, and Ms. HAALAND.

H.R. 6972: Mr. DESAULNIER.

H.R. 6990: Mr. BRINDISI.

H.R. 7023: Mr. SEAN PATRICK MALONEY of New York.

H.R. 7056: Mr. LUJÁN.

H.R. 7073: Ms. BROWNLEY of California.

H.R. 7092: Mr. CARTWRIGHT, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. UPTON, Mr. SIRES, Mr. GARAMENDI, Mr. MEEKS, and Mrs. FLETCHER.

H.R. 7135: Ms. GARCIA of Texas.

H.R. 7147: Mrs. BROOKS of Indiana.

H.R. 7148: Mr. WRIGHT and Mrs. WAGNER.

H.R. 7173: Mr. COOK.

H.R. 7187: Mr. CÁRDENAS.

H.R. 7197: Ms. DELAURO, Mr. KRISHNAMOORTHI, Mr. LEVIN of California, Mr. MCGOVERN, Mr. TRONE, and Mr. CISNEROS.

H.R. 7208: Mr. MOONEY of West Virginia.

H.R. 7216: Ms. SHERRILL, Mr. SEAN PATRICK MALONEY of New York, Mrs. DINGELL, and Mrs. HAYES.

H.R. 7232: Mr. LANGEVIN, Mr. LOEBSACK, Ms. JUDY CHU of California, Mr. VISCLOSKY, Mr. TONKO, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. FLORES, Mr. PAPPAS, and Mr. COX of California.

H.R. 7251: Mr. KELLER and Mr. MOONEY of West Virginia.

H.R. 7255: Mr. FITZPATRICK, Ms. DEAN, Mr. HIGGINS of New York, and Mr. RYAN.

H.R. 7289: Mrs. BUSTOS, Ms. JUDY CHU of California, and Mr. TURNER.

H.R. 7292: Miss RICE of New York, Ms. STEFANIK, Mr. KIM, Mr. FOSTER, and Mr. COLE.

H.R. 7293: Mrs. DAVIS of California, Mrs. MURPHY of Florida, Ms. KUSTER of New Hampshire, and Mr. VARGAS.

H.R. 7298: Mr. RICHMOND.

H.R. 7317: Miss RICE of New York.

H.R. 7324: Ms. KUSTER of New Hampshire.

H.R. 7325: Mr. TRONE and Mr. MICHAEL F. DOYLE of Pennsylvania.

H.R. 7326: Mr. WENSTRUP.

H.R. 7328: Mr. FITZPATRICK.

H.R. 7329: Mr. GALLAGHER.

H.R. 7340: Ms. WEXTON.

H.R. 7341: Ms. WEXTON.

H.R. 7358: Mr. BABIN, Mr. BANKS, Mr. GOSAR, Mr. RICE of South Carolina, and Mr. SPANO.

H.R. 7372: Mr. BALDERSON.

H.R. 7380: Ms. JACKSON LEE, Ms. WILSON of Florida, and Mrs. WATSON COLEMAN.

H. Con. Res. 100: Ms. GARCIA of Texas.

H. Res. 114: Mr. LEVIN of Michigan.

H. Res. 465: Mr. MALINOWSKI, Ms. ESHOO, Mr. CASTEN of Illinois, Ms. KAPTUR, Mr. COOPER, Mr. HORSFORD, Mr. LYNCH, Mr. MORELLE, Ms. JOHNSON of Texas, Mr. SOTO, Mrs. LEE of Nevada, Mr. CUELLAR, and Mr. VELA.

H. Res. 930: Mr. MOONEY of West Virginia.

H. Res. 989: Mr. TONKO.

H. Res. 1001: Mr. HILL of Arkansas and Mr. PAPPAS.

H. Res. 1024: Mr. BISHOP of Georgia, Mr. MCNERNEY, Ms. LOFGREN, and Ms. SPEIER.

H. Res. 1027: Mr. SEAN PATRICK MALONEY of New York and Ms. CASTOR of Florida.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions, as follows:

H.R. 6742. Mr. GONZALEZ of Texas.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 116th CONGRESS, SECOND SESSION

Vol. 166 WASHINGTON, MONDAY, JUNE 29, 2020 No. 119

Senate

The Senate met at 3 p.m. and was called to order by the President pro tempore (Mr. GRASSLEY).

PRAYER

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

Let us pray.

God of grace and mercy, in these divisive and polarized times, remind us that words have consequences. Help us to remember that we are accountable to You for every idle and careless word we speak.

Lord, teach our Senators to be obedient to Your commands, doing Your will as Your presence fills them with joy.

Today, surround our lawmakers with the shield of Your favor as they labor to keep our Nation strong. May they be quick to listen, slow to speak, and slow to anger. Manifest Your power through their labors so that this Nation will be exalted by righteousness.

We pray in Your mighty Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

The PRESIDING OFFICER (Mr. CASSIDY). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak for 1 minute in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CORONAVIRUS

Mr. GRASSLEY. Mr. President, in June of last year, I held an Oversight Committee hearing about foreign threats to taxpayer-funded research. My goal is to ensure that government is doing its job to detect and deter these threats.

Since COVID, America's greatest minds have been working hard to develop a vaccine. Their research will impact the health of Americans and the world.

According to the FBI, China has targeted our COVID research to potentially steal our work product. Our government and private sector must guard and fight back against these malicious attacks by the Chinese Communist Government. The health of our people and the world depend on it.

I yield the floor.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

REMEMBERING TYLER GERTH

Mr. MCCONNELL. Mr. President, first, my hometown of Louisville, KY, is mourning a young man who was shot and killed on Saturday at a protest in Jefferson Square Park.

Tyler Gerth was just 27 years old. He was a graduate of Trinity High School and the University of Kentucky. He was an up-and-coming photojournalist with a lot of talent.

He had been attending demonstrations, both to speak up for Breonna Taylor as well as to document history. Instead, he lost his life.

The investigation is still proceeding, but it appears the suspect in custody had been a frequent participant in these protests. He had already been arrested once. It seems he had gotten into some dispute and fired indiscriminately—the definition of ''senseless violence.''

My sympathies and the sympathies of all Kentuckians go out to the Gerth family.

We are 30 days into these protests. Kentuckians and all Americans deserve safe streets, safe communities, and peace.

CORONAVIRUS

Mr. MCCONNELL. Mr. President, on another matter, each time I have returned home over the last several weeks, I have had the opportunity to travel to different Kentucky hospitals to safely meet with healthcare professionals and thank them for their incredible work, as well as to listen to what is on their minds.

For more than 3 months now, our Nation's doctors, nurses, and health professionals have been fighting day and night to heal strangers and protect our Nation. I said in mid-March that our country was about to meet a lot of new heroes and that among them would be many people who wear scrubs, who rush toward the sick, and who wash their hands until they bleed.

Well, Americans and families from coast to coast have met just such heroes. The frontline professionals I am meeting are proud to do their work, and you had better believe they are appreciative that the sacrifices and smart precautions taken by the American people stopped health systems from being overrun in the springtime, allowed them to continue giving each patient the care they deserved, and bought our country time to plan a smart, safe, and gradual reopening.

So until we have a safe and effective vaccine, it will remain all of our jobs as American citizens to help our Nation settle into a middle ground between unsustainable emergency lockdowns and our ordinary life from before all this. In short, we cannot go back to April, and we cannot go right back to normal. We need new routines, new rhythms, and new strategies for this new middle ground in between.

It is the task of each family, each small business, each employer, and all levels of government to apply common sense and make this happen. To name

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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just one example, we must have no stigma—none—about wearing a mask when we leave our homes and come near other people. Wearing simple face coverings is not about protecting ourselves; it is about protecting everyone we encounter.

In fact, the more we hate the pain and suffering that accompanied the strict stay-home guidelines a few months ago, the happier we should be to take responsible, small steps every day to ensure our country can stay on offense against the virus.

Now, the Senate should take pride in the degree to which our historic response has helped the country get where we are. All of the health leaders and professionals I meet continue to be glad for the CARES Act, the historic bipartisan legislation that Senate Republicans wrote and then negotiated across the aisle.

We sent historic resources to hospitals and health providers to help them do their healing work and to fight this new invader. That was in addition to the historic relief we provided to households and small businesses, which economists across the political spectrum say saved millions of jobs and prevented an economic freefall.

In May and June, while the Democrat-led House has been mostly absent, the Senate has kept right on leading. In addition to legislating on other important subjects, we have continued to work all angles of the pandemic.

By the end of this week, I believe our committees will have held more than 40 hearings on key aspects of the crisis so this institution can continue to learn and inform any future work.

As I have been saying for weeks, a number of us are putting together strong legal protections for healthcare professionals, K–12 schools, colleges and universities, and employers so that our recovery is not promptly swamped by a second epidemic of frivolous lawsuits.

While the Democratic House slapped together an absurd multitrillion-dollar wish list that even the mainstream media panned immediately, the Senate has continued with our substantive, serious, facts-first approach. That is the winning formula that built the historically successful CARES Act, and that is the formula we will replicate in any future recovery legislation down the road.

NATIONAL DEFENSE AUTHORIZATION ACT

Mr. MCCONNELL. Mr. President, on a completely different matter, on Thursday I noted that in recent weeks the Air Force has scrambled jets to intercept intrusions by Russian military aircraft near U.S. airspace in Alaska.

Well, on Saturday it happened again. According to the Defense Department, Russian reconnaissance planes entered the Alaska Air Defense Identification Zone and lingered for 8 hours. Obviously, this is just the latest in a series of escalations from Putin's regime.

Meanwhile, China has resumed its submarine intrusions into Japanese contiguous zones and picked deadly fights with India at high altitude.

North Korea State media has stepped up its unhinged, anti-American rhetoric, reportedly declaring over the weekend that nuclear war was ''the only option left.''

And Iran has issued a warrant for the arrest of the President of the United States because we took the mullahs' top terrorist off the battlefield back in January.

Our adversaries are as intent as ever on undermining peace; disrupting commerce; and threatening American citizens, our interests, and our allies wherever and whenever possible.

So this year's National Defense Authorization Act is as urgent and important as it has been for 60 consecutive years. Thanks to Chairman INHOFE and Ranking Member REED, the legislation we will consider is already the product of exhaustive bipartisan effort.

It includes 229 bipartisan amendments adopted by our colleagues on the Armed Services Committee. It may include more amendments before we finish with it here on the floor.

But the primary missions of the legislation are already clear. On the homefront, it will increase pay for servicemembers; reform the military housing and healthcare systems; and increase transparency in Pentagon budgeting, hiring, and acquisition.

Around the world, it will make clear our commitments to our allies in Europe and the Pacific, invest in key technologies from biotechnology to hypersonics, and make sure that our men and women in uniform have the tools to remain the greatest fighting force in world history.

I am grateful to our committee colleagues for giving the Senate the opportunity to set strong priorities for our national defense. Our job now is to follow their example, work together in a bipartisan way, and pass the NDAA on behalf of our men and women in uniform and the Nation they protect.

EMERGENCY AID FOR RETURNING AMERICANS AFFECTED BY CORONAVIRUS ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 4091.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 4091) to amend section 1113 of the Social Security Act to provide authority for fiscal year 2020 for increased payments for temporary assistance to United States citizens returned from foreign countries, and for other purposes.

The PRESIDING OFFICER. Is there objection to proceeding to the measure?

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

Mr. MCCONNELL. I ask unanimous consent that the bill be considered read a third time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. MCCONNELL. I know of no further debate on the bill.

The PRESIDING OFFICER. If there is no further debate on the bill, the bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 4091) was passed, as follows:

S. 4091

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Emergency Aid for Returning Americans Affected by Coronavirus Act''.

SEC. 2. INCREASE IN AGGREGATE PAYMENTS FOR FISCAL YEAR 2020.

(a) IN GENERAL.—Section 1113(d) of the Social Security Act (42 U.S.C. 1313(d)) is amended by striking ''fiscal years 2017 and 2018'' and all that follows through the period and inserting ''fiscal year 2020, the total amount of such assistance provided during such fiscal year shall not exceed $10,000,000.''.

(b) EMERGENCY DESIGNATION.—

(1) IN GENERAL.—The amounts provided by the amendment made by this section are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

(2) DESIGNATION IN SENATE.—In the Senate, this section and the amendment made by this section are designated as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018.

SEC. 3. LIMIT ON DIRECT CONTACT WITH REPATRIATED INDIVIDUALS DURING COVID–19 EMERGENCY PERIOD.

During the emergency period described in section 1135(g)(1)(B) of the Social Security Act (42 U.S.C. 1320b–5(g)(1)(B)), in providing temporary assistance under section 1113 of such Act (42 U.S.C. 1313), no employee of the Administration for Children and Families of the Department of Health and Human Services shall have direct, in-person contact with an individual specified in section 1113(a)(1) of such Act (42 U.S.C. 1313(a)(1)), except in the case of a uniformed member of the Regular Corps or the Ready Reserve Corps of the Commissioned Corps of the Public Health Service (as described in section 203 of the Public Health Service Act (42 U.S.C. 204)) in an active duty status who, as determined by the Secretary of Health and Human Services, has—

(1) received appropriate training on infection prevention and control; and

(2) access to appropriate personal protective equipment.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

Mr. MCCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

ABORTION

Mr. SCHUMER. Mr. President, this morning, the Supreme Court struck down a Louisiana law that would have restricted abortion providers so severely that Louisiana would have been left with only a single clinic. These types of laws have popped up in State after State as a backdoor means of banning abortions—if not in law then in practice—an insidious campaign to undermine the rights of women to make their own medical decisions.

Today's ruling is a thunderbolt of justice for millions of American women who were at risk of having their constitutional rights invalidated by a reactionary State legislature, as there are many throughout the country.

After surprising but very welcome rulings on DACA and LGBTQ rights 2 weeks ago, the Supreme Court has once again made the right decision. The Supreme Court is entering Buffalo Springfield, territory: ''There's something happening here.''

Truthfully, today's ruling should not have been a surprise. The Louisiana law violated the Court's precedent. In 2016, the Court struck down a Texas law that was virtually identical to the one in Louisiana. The newest addition to the Supreme Court, however, despite promising the Senate that he would respect precedent, dissented from the majority's ruling today. Justice Kavanaugh told Senators he believed Roe v. Wade to be settled law, but in the very first ruling on a related issue, he decided that the Court's precedent was wrong, and Roe v. Wade could be greatly undermined.

Thankfully, Kavanaugh's view was not in the majority. Today, America can breathe a sigh of relief that the Supreme Court kept the floodgates firmly shut against this particular attempt to nullify the landmark decision of Roe v. Wade.

RUSSIA

Mr. SCHUMER. Mr. President, on Russia, on Friday, the New York Times and other media outlets reported that a Russian intelligence unit was offering Taliban-linked fighters bounties—bounties to kill American and coalition troops in Afghanistan. It should go without saying that it is our solemn obligation to support and protect our troops. If Russian intelligence is conducting a shadow campaign to sponsor the murder of American troops, there must be swift, strong, and unmistakable consequences for Putin and his cronies—something we should do in this NDAA bill.

The New York Times reported that the Trump administration was aware of these activities as early as March of this year. Yet, the Trump administration has authorized no—no retaliatory actions. Russia gives bounties to kill Americans; the administration does nothing.

Donald Trump, you are not being a very strong President here, as usual.

At the very least, you would expect the President and his team would want to get to the bottom of this. The President claimed, however, that ''nobody briefed or told [him] me about this report.''

President Trump, you lose either way. If you weren't briefed on this important report, how can you run an administration where something this important is not brought to your level? And if you were told about the report and did nothing, that is even worse. Shame on you. Shame on you.

A few hours ago, the White House Press Secretary said the President still has not received a briefing from the intelligence community about these reports. The White House Chief of Staff, meanwhile, is reportedly briefing Republican Members of the House before the President of the United States gets a briefing.

Is that amazing? He is the Commander in Chief. He is the one who is supposed to be protecting our soldiers, and they are still twiddling their thumbs instead of giving him a briefing, which, who knows, given his lack of respect for the truth, he may have received it already and just denied it.

It raises many, many questions. First, is it true the President was not told this information? If so, why not? Was there a concern about sharing this information with the President? And the President doesn't seem as outraged as you would think he would be if, in fact, the intelligence community had this vital and important information and had not briefed him.

Something—something doesn't smell right here, especially when we have a President and an administration who has a great deal of trouble telling the truth. We need answers, and we need them fast. I am calling for the Directors of National Intelligence and the CIA to immediately brief all 100 Senators on reports that Russia placed bounties on U.S. troops in Afghanistan. Among many other things, we need to know whether President Trump was told this information and, if so, when.

Because there has been an alarming pattern in this administration, dating back to its first days of appeasement toward authoritarian leaders, especially of Vladimir Putin, President Trump stood next to Putin on the international stage and accepted his word over the word of our own intelligence agencies. President Trump has delayed or ignored congressionally mandated sanctions on Putin. The President has pondered withdrawing from NATO—the organization whose very purpose is to defend the free world from Vladimir Putin. Only a few months ago, the President mused about inviting Russia back into the G7.

If we had learned anything in the past 3 years, it is that President Trump is inclined to ignore or forgive Vladimir Putin's abuses on the international stage—even in the face of an attack on our democracy. If we learned anything in the last 3 years, it is that dictators—whether Xi or Putin or the head of North Korea—played President Trump for a fool and got the advantage of him every time.

This means we all need to speak up right now and make sure that Congress and the executive branch are doing what is necessary to get to the bottom of these reports. The first step is a briefing for all 100 U.S. Senators.

Despite what some administration officials are claiming, no such briefing has been scheduled, and I am not aware of any Senator who has been invited to a White House briefing of any sort.

CORONAVIRUS

Mr. SCHUMER. Mr. President, finally, on COVID–19, unfortunately, COVID–19 continues to surge in several States. Florida, Texas, and Arizona are reporting new highs in case numbers. Last Friday, there were 45,000 new cases nationwide—the most in a single day.

As the public health crisis continues, our country is facing one of the greatest economic challenges since the Great Depression. Over one-fifth of the workforce has requested unemployment assistance. State and local Tribal governments are on life support and have laid off over 1.6 million workers. Our perennially underfunded schools are fighting an uphill battle to prepare for the fall.

As Americans struggle to make rent payments and face potential evictions, as our healthcare and childcare systems face unprecedented burdens, Senate Republicans have been missing in action. Senate Republicans equal MIA.

Over a month ago, Leader MCCONNELL said that Senate the Republicans ''have yet to feel the urgency of acting immediately.'' It seems like he really meant it. It has been nearly 3 months since we passed the CARES Act on a bipartisan basis, 96 to 0, and over 45 days since the House passed the Heroes Act—legislation that would deliver sorely needed resources to States, essential workers, American families, and our healthcare system, but Leader MCCONNELL continues to say that Republicans ''need to assess the conditions in the country'' and insists that

any future emergency relief bill will be written in his office.

Assess the conditions of the country when we have more unemployment than any time since the Great Depression? When a pandemic is killing tens of thousands of Americans monthly, ignore that and assess the conditions? And then for Leader MCCONNELL to say the bill will be written in his office, has he learned any lessons on COVID 2, COVID 3, COVID 3.5, the Justice in Policing Act? When you try to do something major on a partisan basis, nothing happens, and America desperately needs something to happen.

Leader MCCONNELL knows he has to negotiate if he wants to pass legislation. He has been around here a long time. He knows that. His refusal to engage in bipartisan talks on policing reform shows that maybe our Republican friends are not interested in passing bipartisan legislation, but that is what needs to happen—bipartisan negotiations on policing reform and bipartisan negotiations on COVID.

This morning, Speaker PELOSI and I sent a letter to Leader MCCONNELL urging him to join Democrats at the negotiating table for the next round of COVID–19 relief legislation.

We are on the precipice of several deadlines: For millions upon millions of Americans, another rent payment is due this week. States are planning their budgets right now before the new fiscal year on July 1. The emergency boost in unemployment will run out by the end of next month.

This week, Senate Democrats will force action on the floor on some of the most urgently needed measures to help working Americans, starting this evening, when Democrats will ask consent to pass crucial Federal support for State, local, and Tribal governments.

I will have more to say about this issue this evening, but I do want my Republican colleagues to hear the words of State and local officials across the country.

Today, the Big 7 national associations representing Governors, mayors, State legislatures, counties, and city managers—all bipartisan groups, with many Republican Members coming from the deepest red States to the darkest blue—wrote the Senate a letter pleading—pleading for Federal support and warning of dire consequences of delay. These are the seven organizations representing Governors and legislatures and counties and towns and cities.

Here is what they write:

> Previous federal bills responding to COVID–19 provided important support . . . yet none allow for the replacement of billions of lost revenue due to COVID–19. More robust and direct stimulus is needed for State and local governments to both rebuild the economy and maintain essential services in education, health care, emergency operations, public safety and more.
>
> Months have gone by and our communities continue to suffer. Americans have a history of standing together in times of crisis and must do so now.

Republican colleagues, please listen to those words. Leader MCCONNELL, please listen. These are your own States that are included here. They are demanding relief. To say we still don't see an urgent need, to say maybe we will get around to it in a month, to say the legislation will be written in McConnell's office—all setting up for failure and the desperately needed lack of relief that America needs.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

LEGISLATIVE SESSION

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2021—Motion to Proceed—Resumed

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 4049, which the clerk will report.

The legislative clerk read as follows:

> Motion to proceed to S. 4049, a bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

The PRESIDING OFFICER. The Senator from Washington.

Ms. KLOBUCHAR. Mr. President, I come to the floor as we start further consideration of the National Defense Authorization Act and ask my colleagues to pay close attention to what is included in this legislation. No one is going to be surprised that the National Defense Authorization Act might include something that had not gotten the bright light of day shown on it, but I am here to say to my colleagues, what is in this act is really egregious, and we need to correct it before we continue to move forward.

This legislation—mostly done behind closed doors—is not unusual for the Senate Armed Services Committee, but when you think about the billions of dollars that we are spending, we need to make sure this policy out here on the Senate floor is not just another rubberstamp.

We are here to look at particular provisions that I think are troubling, particularly because it wrestles away civilian control of our nuclear arsenal and gives it to the military—provisions that, in the future, would allow the Defense Department to raid dollars used by the Department of Energy for cleanup of nuclear waste, R&D for our National Laboratories, or maybe other infrastructure investment.

I am aware that the Presiding Officer knows how much the quadrennial review called for in investment in energy infrastructure. So I find it troubling today to see that we are at a provision that would wrestle away control of our nuclear arsenal and give it to the military. These provisions are dangerous because, one, they would strip from the Secretary of Energy the power over his own budget by requiring that he agree to a sub-Cabinet member group of the Nuclear Weapons Council to approve the National Nuclear Security Administration's budget.

That is right. That is why the current Energy Secretary and past Energy Secretaries oppose this language. They oppose it because it basically tells the Energy Secretary what the majority or a big chunk of his budget will be, and it would allow DOD, then, to prioritize things within the Energy budget as they saw fit for making nuclear weapons instead of focusing on our Federal priorities of nuclear waste cleanup, R&D that we want to see in our National Labs, or other issues that we want to see an investment in that Energy is already doing.

I just can't even believe that this shift in control away from the Secretary of Energy into this sub-Cabinet so that the nuclear weapons complex would be moving away from civilians to the military is actually in this legislation. I do not believe the Nuclear Weapons Council understands the Department of Energy's priorities. How could they? Do they sit in on any of the meetings for the National Labs or the waste cleanup?

I do believe the DOD and the Nuclear Weapons Council know there is a long history of raiding the nuclear waste cleanup budget, and other administrations have tried this. These same individuals tried this in 2018, only to be shot down by our colleagues in the House of Representatives. The NNSA, or the National Nuclear Security Agency, was created in 2000 to be part of the Department of Energy, to manage both the nuclear weapons complex and the nonproliferation activities. Congress made them a part of the Department of Energy, not a part of the Department of Defense. We did that because we wanted to maintain a longstanding civilian control over the country's nuclear weapons. Giving the DOD now control over the Nuclear Weapons Council and their complete power over this budget gives control of our nuclear weapons to the military.

I can't believe that we are here with all the things we have to deal with—a COVID–19 crisis, an economic crisis, justice reform—and now we have to worry about people, in the dark of night, changing control of our Energy budget and turning it over to the DOD and giving them control of our nuclear arsenal, to say nothing of the concerns I have for what they will do to shortchange the Hanford cleanup budget, which is a challenge to the Nation. It is an obligation that needs to be met every year, and I guarantee you there are always people looking at the nuclear waste cleanup budget and thinking they can either do it on the cheap,

cut some of the funds early, or just skip the obligation. It is a national obligation, and this bill undercuts it.

Yet not only does it undercut it, it would be giving the Department of Defense greater say over building new nuclear weapons. That is literally like obliterating some of the people here who have a say in the budget process because, basically, it is getting rid of the checks and balances that we have and, instead, putting this incredible process in place.

So it is no surprise that my colleagues, the ranking member and the chair of the Energy Committee, sent a letter in opposition to the Armed Services Committee about this last week. I am pretty sure they have been ignored. They were ignored before this and are continuing to be ignored. The letter says:

> Most immediately, Section 3111 would empower sub-cabinet level officials, primarily from DOD, to make potentially sweeping decisions about DOE's budget. We believe this goes against good governance and is contrary to the Department of Energy's Organization Act of 1977.

It is clear that my colleagues on the Energy Committee don't support this. I don't know what the fake act of the NDAA bill is that somehow you consulted with members of the Energy Committee, because I guarantee you didn't consult with them. And now every member of the Energy Committee has to worry about whether their priorities are going to be set by some sub-Cabinet person over at DOD or whether they will be questioning an Energy Secretary who will be able to give them an answer instead of saying: Senator, I don't know; I have to go check with the Department of Defense.

This is unacceptable. I know my colleague, Senator MANCHIN, has worked on this and is trying to get a change to this legislation. I hope that we are successful in either just pulling it out right now, admitting it is the wrong approach and has not been discussed with the committee of jurisdiction, or at least having our colleagues have a vote on this.

It is unbelievable that we would be changing this big of national policy stuck into the NDAA bill without the bright light of day shone on it. These provisions would allow the Nuclear Weapons Council—as I said, made up of a sub-Cabinet officials, primarily from DOD—to require significant modifications to the DOE budget. Likely, as I said, where else are they going to get the money but at the expense of other critical DOE projects? I have already told you why that is so important to me.

But let's read from their report language. Basically, they are saying in their report language: The Secretary would be required to transmit a proposed budget request of the NNSA to the nuclear council, and submit it to the Office of Budget Management. That isn't like saying: Consider this. This isn't like saying: Let's discuss this. This isn't like an issue of saying: Here are some things we want you to better consider.

This is a total jam by the DOD, neutering the Department of Energy on almost half of its budget, to basically say: We know better what to do.

I hope my colleagues will speak loudly and clearly about this. This is a bipartisan issue. This is about the people we should have listened to in the first place. I know some of my colleagues are going to say: Wait, wait, wait. No, this is just a bureaucratic budget change. It is an interagency thing. It is just accounting. It doesn't really mean anything.

No, this is a very big change. That is why I oppose subtitle B of the budget of the National Nuclear Security Administration and why my colleagues should work in a very aggressive way to stop this legislation with this language in it. They should take this language out now or work with our colleagues to basically protect the Department of Energy and the Department of Energy's budget and stop turning over to DOD something that the U.S. Congress never had an intent to turning over from civilian control of our nuclear weapons to the Department of Defense.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Ms. WARREN. Mr. President, I rise to speak about the Fiscal Year 2020 National Defense Authorization Act. For the 60th consecutive year, the Senate stands poised to pass legislation that authorizes funding for national defense and sets the course for the Department of Defense's policies.

This year, we consider this legislation during a moment of deep reflection and anguish, as Americans reckon with our ugly history of systemic racism and the original sin of chattel slavery. For weeks, all across this Nation, Americans have taken to the streets to call for justice and call for an end to the racist violence that has stolen far too many Black lives. We say the names of George Floyd, Breonna Taylor, Ahmaud Arbery, Atatiana Jefferson, and so many other Black men and women to reaffirm the simple but powerful truth that they mattered. Their lives mattered. Black lives matter.

This moment is about ending police brutality once and for all. It is also about ending systemic racism and dismantling White supremacy in every aspect of our economy and our society. It is about building an America that lives up to its highest ideals.

The Defense bill we are debating today takes an important step in this direction by addressing the honors that our Nation continues to bestow on Confederate officers, who took up arms against the United States in defense of chattel slavery. This bill denies those honors to military leaders who killed U.S. soldiers in defense of the idea that Black people are not people, but instead, are property to be bought and sold.

It has been more than 150 years since the end of the Civil War, but 10 U.S. Army posts around this country currently bear the names of officers of the Confederate States of America. Think about that. These bases were named to honor individuals who took up arms against our Nation in a war that killed more than half a million Americans. They took up arms to defend an institution that reduced Black people to property.

The Defense bill now before us includes language I wrote that would require the Secretary of Defense to remove Confederate names from all military assets. The Senate Armed Services Committee, which has a long history of bipartisan leadership within this body, adopted this language with the support of Senators from both parties, recognizing that this is an opportunity to correct longstanding historic injustice.

This bill covers more than military bases. It also requires name changes for Federal buildings and streets on those military bases and at other installations that celebrate the traitors who took up arms against the United States to defend slavery.

The USS *Chancellorsville*, for example, is named for a Confederate battle victory, a defeat for the United States of America. The ship's crest pays homage to Confederate Generals Robert E. Lee and Stonewall Jackson.

Defenders of these symbols of oppression speak often in generalities, glossing over the details of the Confederacy, the Civil War, and the specifics about the individuals whose names are attached to American military installations.

Let's begin with the truth about the men for whom some of these bases are named. Fort Benning, GA, ''Home of the Infantry,'' is named for Brigadier General Henry L. Benning. Benning led Georgia's secession from the Union and commanded the Confederate soldiers at Gettysburg. He was a leader of the secessionist movement. Why? Because, according to Benning's own words, he had a ''deep conviction that a separation from the North was the only thing that could prevent the abolition of [Georgia's] slavery.''

He was fearful that the end of slavery would lead to ''Black Governors, Black legislatures, Black juries, Black everything. Is it to be supposed that the White race will stand for that?''

Fort Gordon, GA, is named for Major General John Brown Gordon. Historians believe he led the Georgia chapter of the Ku Klux Klan's murderous terrorists in years after the Civil War.

Fort Pickett in Virginia is named for Major General George Pickett. During the war, Pickett ordered the execution of 22 former Confederate soldiers, men whose crime was declaring their allegiance to the Union, the United States of America. For this despicable act, he was later investigated for war crimes and forced to flee to Canada after the war.

Fort Bragg, NC, is named for Major General Braxton Bragg. Bragg was a slave owner and, like the others, Bragg chose to take up arms against the United States and kill U.S. soldiers. But with an infamously poor record as a military commander, he wasn't very good at it. Widely regarded as the most disliked man in the Confederate Army, Bragg commanded forces that were so badly defeated at the Battle of Chattanooga in 1863 that he ultimately resigned. Those are just a few examples, as are Fort Hood, Fort Lee, Fort A.P. Hill, Fort Polk, Camp Beauregard, Fort Rucker.

American military bases that carry the names of Confederate generals are not named for heroes, and they are not named for men who risked their lives defending the United States and its soldiers. They are named for men who took up arms against the United States of America and killed American soldiers in the defense of slavery. They are the names of men who were directly responsible for the deaths of hundreds of thousands of Americans in the defense of slavery.

Those who complain that removing the names of traitors from these bases ignores history ought to learn some history themselves. These bases were not named in the years following the Civil War. No. They were named decades and decades later—during the Jim Crow era—to strengthen a movement that tried to glorify the Confederacy and reinforce White supremacy.

As the Nation prepared to fight in World War I, the Army needed more bases to train new draftees. The military decided to establish half of the new bases across the Southern States. Only 40 years had passed since the end of Reconstruction, and putting Federal troops back into the South was a sensitive matter. Choosing Confederate commander names for these bases curried favor with the same local politicians who were devoted to maintaining the brutal regime of White supremacy.

The strategy was successful. In August 1917, the magazine Confederate Veteran noted: ''For the first time since the War between the States, the United States government officially paid tribute to the 'military genius' of noted Confederate war chieftains in naming four of the training camps.''

Naming these bases after Confederate rebels was wrong. After years of resistance and denial, the Department of Defense is finally recognizing that it is time for our military to stop paying homage to individuals who betrayed the United States and who took up arms against it to defend slavery.

Secretaries Esper and McCarthy have both said they are ''open to a bipartisan discussion on the topic.''

Chairman of the Joint Chiefs of Staff Mark Milley also ''fully supports the discussion and Secretary McCarthy's efforts . . . to explore this issue.''

GEN Robert Abrams, commander of U.S. Forces Korea, announced on June 15 that he is prohibiting the Confederate flag in all U.S. installations in that country.

Commandant of the Marine Corps Gen. David Berger has banned the Confederate battle flag from Marine bases worldwide because ''this symbol has shown it has power to inflame the feelings of division.''

The Chief of Naval Operations, ADM Michael Gilday, also issued an order last month prohibiting the Confederate flag from all public spaces and work areas aboard Navy installation ships, aircraft, and submarines, saying that the step was necessary ''to ensure unit cohesion, preserve good order and discipline, and uphold the Navy's core values of honor, courage, and commitment.''

It is time to follow the example of these military leaders and to take steps to remove all forms of commemoration of the Confederate States of America from all of our military assets.

Senate Republicans have suggested that Congress should simply study the issue. They suggest forming a commission that prioritizes the wishes of State and local officials but that doesn't make any decisions. Let me be completely clear. The current bill already includes a commission charged with thoughtfully executing the requirement to remove these names from U.S. military installations, and it requires consultation with local officials. The intent of the Republican amendment is simply to erase the requirement currently in the bill that requires the Confederate names to be eliminated—not studied, eliminated.

It has been 150 years since Lee surrendered at Appomattox and the rebellion against the United States in defense of owning human beings was finally put down. We know whom these bases were named for. We know why they were named. There is nothing left to study. We are long past the time for action.

The Senate Committee on Armed Services has declared that the time for honoring the legacy of men who championed the cause of slavery and White supremacy on military installations is now over. The committee voted to rename the installations where millions of servicemembers of color have lived, trained, and deployed abroad in defense of our country. Now the entire Senate has an opportunity to add its voice to the chorus, and I am certain that the House will join us soon.

President Trump has already declared his opposition to this provision. He has, instead, chosen the well-worn path of hatred and division. So, despite the fact that the Department of Defense already has the statutory authority it needs to change those names, it has hesitated to take action in defiance of the Commander in Chief.

Congress has the power and the responsibility to end decades of injustice. Servicemembers of color have been pledging to support and defend the Constitution of the United States for a long time. They have done so knowing they might be called upon to give what Lincoln called the last full measure of devotion, and they have done so despite being surrounded by these visceral reminders that the military in which they serve honors men who fought to kill fellow Americans and to keep their ancestors enslaved. We can tear those visceral reminders down, and we will.

The Confederate soldiers who betrayed the United States to fight for the Confederacy were fighting for the institution of slavery—plain, simple, ugly. It is time to put the names of those leaders who fought and killed U.S. soldiers in defense of a perverted version of America where they belong—as footnotes in our history books, not plastered on our Nation's most significant military installations.

The tens of thousands of Americans protesting the appalling killings of Black men and women are calling upon us—on all of us—not just to say the words ''Black lives matter'' but to take a tangible step toward making it true by breaking apart the systems that have stolen countless Black lives and denied Black Americans opportunity and equal treatment.

Being race-conscious is not enough. It never was. We must be anti-racists. Removing the names, symbols, displays, monuments, and paraphernalia that honor or commemorate the Confederacy and anyone who voluntary served it from military property is, in the broader scheme, only one step toward addressing systemic racism in our society, but it is an important step. It will bring us closer to acknowledging the truth of that ugly past, and it will give us a firmer foundation on which to build a better future for everyone.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REED. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. ERNST). Without objection, it is so ordered.

S. 4049

Mr. REED. Madam President, I rise to further discuss the fiscal year 2021 national defense authorization bill.

Senator INHOFE will be speaking later today on the bill, and I again want to thank him for his leadership and bipartisanship throughout the drafting of this very important legislation.

As I noted last week, the Committee on Armed Services adopted this bill with the strong bipartisan support of 25 to 2. I am hopeful that we can have a productive consideration of this bill on the floor this week, with votes on amendments and packages of cleared amendments, so that we can conduct further efforts to improve and amend this legislation.

The bill authorizes $662.3 billion in base funding for the Department of Defense and Energy's nuclear programs

and an additional $69 billion for overseas contingency operations, which align with the caps established in the Bipartisan Budget Act of 2019.

I want to applaud the chairman for providing the Department with the resources it needs while remaining within the constraints we set under the Budget Control Act. The bill before us will provide much needed stability and predictability to the Department of Defense.

For the Army, the bill supports many modernization objectives, including critical priorities such as Long Range Precision Fires and the Future Vertical Lift Program. It also fully funds critical legacy platforms such as the M1 Abrams tank that the Army needs until new systems are fielded in the future. Further, the bill includes resources for active protection systems for combat vehicles, as well as additional funding for the Army's Multi-Domain Task Force, which is critical to the Army's efforts in the Pacific.

For the Navy and Marine Corps, the bill would add roughly $900 million to authorize a number of unfunded priorities identified by the Chief of Naval Operations and the Commandant.

I am disappointed that we could not, however, fully fund the CNO's top unfunded priority—the 10th Virginia class submarine in the current multiyear procurement program. However, I am pleased that this bill provides sufficient funds to keep open the option for the 10th boat in fiscal year 2022 or 2023.

It also mandates changes in the oversight and execution of shipbuilding and unmanned systems development programs—changes that should help instill more rigor and discipline within the Navy.

Turning to air power, the bill helps improve oversight of the Department by requiring the Secretary of Defense to submit an annual 30-year plan for the procurement of the aircraft in the Department of the Navy, the Department of the Air Force, and the Department of the Army. This is similar to the 30-year shipbuilding report that is already in statute.

The bill also supports the Department's efforts to achieve reduced operating and support costs of the F–35 program and perhaps motivates the Department to lower costs in other weapons systems overall, which will be a critical factor going forward.

In the area of special operations, our forces remain heavily engaged around the world, and I am pleased that the bill authorizes funding at the requested level of $13 billion, including increased funding for high-priority requirements identified by the commander of U.S. Special Operations Command necessary to reconstitute capabilities lost in combat over the past several years.

Further, the bill also includes provisions designed to enable the Assistant Secretary for Special Operations and Low-Intensity Conflict to more effectively fulfill advocacy and oversight responsibilities with regard to the Special Operations Forces.

Turning to personnel matters, the bill authorizes the active and reserve component end strengths necessary to meet national defense objectives, provides a 3-percent pay raise for the troops, and reauthorizes a number of bonus, special, and incentive pay authorities necessary to recruit and retain the highest quality individuals for military service.

Further, the bill includes a number of additional provisions that support quality of life for our military personnel. It authorizes $75 million for the services to conduct better oversight of privatized housing and hire more staff in the housing arena. It also requires the Department of Defense inspector general to conduct an audit of the medical conditions of servicemembers and their families who lived in unhealthy military privatized housing.

I am particularly pleased that this bill authorizes $50 million for supplemental impact aid and $20 million in impact aid for severely disabled military children, and it rejects a proposal by the Department to cut 172 teachers from DOD schools.

In addition, the bill includes a provision, sponsored by Senator GILLIBRAND, which would allow victims of sexual assault to report incidents without fear of being disciplined for minor misconduct that was collateral to the sexual assault. It further includes a provision to improve the tracking and response to child abuse on military installations.

Turning to readiness, the bill authorizes an additional $79 million in Army operations and maintenance to replace child development center playground equipment, which will address safety issues and provides an additional $47 million in Army operations and maintenance for six key Child and Youth Services Program improvements across multiple installations.

To help counter the effects of climate change, the bill authorizes $50 million in planning and design for military installation resilience for climate change adaptation projects. It also adds $8 million to the Navy's direct air capture and seawater carbon capture program.

To reduce fuel use, the bill adds $65 million to the Operational Energy Capability Improvement Fund to pursue promising innovations to weapons platforms like hybrid electric drive for ships or improved turbine engines for aircraft that improve combat capability with less fuel. The bill also increases Air Force operational energy programs which reduce fuel, such as using smaller fins and streamlining the C–130 fuselage.

I am disappointed, however, that the committee did not accept an amendment, offered by Senator SHAHEEN, which would have deemed the chemicals PFAS and PFOA as hazardous and a pollutant under the DOD Environmental Restoration Program. Elevated levels of PFAS, a class of manmade chemicals that have been manufactured since the 1950s, may be contaminating drinking water in 33 States nationwide, including my State of Rhode Island. PFAS has been linked to a variety of cancers, weakened immunity, and other serious health problems.

Senator SHAHEEN's amendment would have also codified Secretary Esper's PFAS task force; required blood testing of PFAS in servicemembers and their dependents as part of their existing annual checkups; stopped incineration of PFAS substances by DOD until final guidance following EPA rules are published; reported on remaining installations not yet tested for PFAS and all DOD locations of PFAS incineration; and also added $25 million in O&M for Air Force environmental restoration.

I will continue to work with Senator SHAHEEN and other colleagues to gain acceptance of this legislation. I think it is vitally important that we do so as we debate this bill on the floor.

In the area of science and technology, I am pleased that the bill increases funding for important research activities and includes provisions to support Pentagon efforts to develop and deploy artificial intelligence, quantum computing, and emerging biotechnologies to protect our national security. It also includes several provisions that continue our efforts to reform antiquated Pentagon procurement practices and strengthen our domestic manufacturing and industrial base, including in critical sectors such as microelectronics, pharmaceuticals, and rare earth materials.

In the area of spectrum management, this bill includes a provision sponsored by Senator WICKER, along with Chairman INHOFE, Senator CANTWELL, and myself. I am pleased by the provision's inclusion, which would aid development of a common database to allow executive branch agencies to share finite spectrum resources efficiently. This is an example of bipartisan work between two important committees—the Armed Services Committee and the Commerce Committee—and I hope we can continue to build upon it.

Turning to cyber security, I am pleased that this bill adopts 11 of the recommendations from the Cyberspace Solarium Commission, which was co-chaired by Senator KING. I want to commend Senator KING on extraordinary work. His insight, his ability to work with others, his grasp of not only the present situation but what is emerging quickly in the future is extraordinary and commendable. He has done a remarkable job.

The Commission took on a tough issue and did a very, very thorough job. While we were able to include recommendations in the Armed Services Committee's jurisdiction in our bill, the Commission has many more thoughtful recommendations that span across many committee jurisdictions, and I hope we can work together on the floor in this bill to incorporate those provisions.

The bill also requires the Department to present a strategy to the White

House and Congress to revive the manufacture of advanced microelectronics in the United States.

This Defense authorization bill includes a number of provisions that enhance the United States' ability to compete with near-peer competitors, and we are actively seeking ways in which we can prevent these competitors from undermining our national security and, indeed, the international order.

With regard to Russia, this bill enhances our deterrence capabilities, including by fully funding the request for the European Deterrence Initiative.

In addition, the bill requires a report on Russian support to racially or ethnically motivated violent extremist groups in Europe and the United States. The problem of racially and ethnically motivated violent extremist groups is an emerging national security threat, not simply a law enforcement problem, as Russia and Russian agents or entities are working to advance Russian strategic objectives by co-opting, supporting, and amplifying these groups to sow divisions and threaten our democratic institutions.

The bill also maintains strong support for Ukraine through the Ukraine Security Assistance Initiative and requires a 5-year plan for helping Ukraine build the capabilities it needs to defend itself from Russian aggression.

Turning to China, the bill establishes the Pacific Deterrence Initiative, a new authority for the Department of Defense modeled after the European Deterrence Initiative, and authorizes $200 million in funding.

The bill also increases funding for the Indo-Pacific Maritime Security Initiative to ensure that our partner countries in South and Southeast Asia are able to respond effectively to Chinese coercion in the South China Sea and beyond.

The bill also includes a provision that was adopted during markup, expressing the sense of the Congress that the USS Mercy and the USS Comfort should conduct port calls in Taiwan to collaborate on COVID–19 response and best practices.

While I applaud Taiwan's efforts on COVID–19, Taiwan is not a sovereign state, and conducting port calls is a larger policy issue that should be more fully discussed and debated. For those reasons, I voted against the amendment.

With respect to countering the continued threat by ISIS, the bill extends the Iraq and Syria Train and Equip Programs at the requested funding levels, while ensuring appropriate congressional oversight of the use of such funds. Specific to Iraq, the bill continues efforts to normalize security assistance to Iraq by transitioning funding to enduring authorities.

For Afghanistan, the bill extends the authority to train and equip Afghan Security Forces at the requested funding level and enhances congressional oversight of such funds. It requires an assessment of the progress made on issues such as anti-corruption, recruitment and retention of security forces, and commitments made by the Afghanistan Government in support of peace negotiations. It also includes a specific reporting requirement should the Department elect to withhold any security assistance to Afghanistan.

In addition, the bill includes a sense of the Senate provision, which I was proud to cosponsor, expressing concern that a precipitous withdrawal of U.S. military, diplomatic, and intelligence personnel from Afghanistan without effective, countervailing efforts to secure gains in Afghanistan may allow violent extremist groups to regenerate. These conditions would threaten the security of the Afghan people and create a security vacuum that could destabilize the region and provide ample safe haven for extremist groups seeking to conduct external attacks.

It also requires a report on current and projected threats to the United States homeland and that of our allies emanating from Afghanistan.

Further, the bill includes a provision sponsored by Senator SHAHEEN to refine and clarify expectations for the Department on the implementation of the Women, Peace, and Security Act, which was adopted by unanimous consent during the committee's markup.

Turning to nuclear testing, I have concerns about the addition of a provision sponsored by Senator COTTON which holds $10 million to cover costs of reducing the time to conduct nuclear tests if they are deemed necessary.

The United States has not conducted a nuclear test since 1992. Each year the three lab Directors of our National Laboratory give a written assessment of the stockpile and whether it needs testing. For 22 years, they have said that weapons do not need to be tested as long as we continue the Stockpile Stewardship Program. In addition, it would realistically take over 2 years and hundreds of millions of dollars to actually be ready for a test. I don't believe we should be even signaling that the Nation is considering doing this without a full and lengthy debate of the issues by Congress, and that was one of the reasons I opposed the amendment.

For 18 years, the Senate Armed Services Committee has honestly struggled over the Defense Department's detainee policy, particularly regarding the detainees at Guantanamo Bay. For many years, the policy remained unchanged, but for the past several years, the committee has adopted an amendment in markup that would allow detainees to be transferred to the United States for emergency medical treatment and then returned to the detention facility at Guantanamo.

This is an aging population of detainees, and there are certain conditions that cannot be treated at Guantanamo, and moving all the medical equipment and specialty doctors to Guantanamo would be cost-prohibitive. However, I was very disappointed that this year the medical transfer amendment was defeated for the first time. Allowing detainees to be transferred to the United States for medical treatment is the most cost-effective and humane way forward to ensure we treat detainees with dignity and in accordance with our obligations under the Geneva Conventions. This is a problem that can only get more urgent as time passes, and I hope we can find a way forward on this issue.

Finally, it is impossible to discuss this bill without discussing the many crises facing our Nation. The crisis affecting every citizen is the exponential spread of COVID–19, and our military is not immune. As of today, 11,770 military personnel are infected. Adding in DOD families and civilians, the number is closer to 17,000. That number increased by over 1,500 individuals in the last 48 hours and continues to trend upward. That is a startling growth in these cases. Our National Guard members are most heavily impacted because they are on the frontlines of the pandemic.

These infections affect the readiness of our force in their ability to train and deploy and to do so without worrying about the health of their families. The administration's response to the pandemic has been woefully inadequate, and immediate steps must be taken to aid civilians and military personnel alike.

Our Nation has also been engulfed by protests over the senseless murders of George Floyd, Breonna Taylor, Rayshard Brooks, and others at the hands of police officers and some civilians. These deaths magnify centuries of injustice and brutality against African Americans.

These protests have been occurring across the country and have been overwhelmingly peaceful, although there have been isolated exceptions. Our Nation is in pain, but rather than call for unity and calm, President Trump has threatened to bring military troops against peaceful protesters. While the President does have the authority to call up military personnel under the Insurrection Act, it does not mean he should. It is used quite rarely as an exception to the broad principle embedded deeply in American democracy and history that the Active Armed Forces should not be used to enforce State laws or to exercise police power reserved to the States unless absolutely necessary and as the very last resort. Therefore, I am pleased that this bill includes a provision that was overwhelmingly adopted during the markup to prohibit the use of DOD funds to take actions against U.S. citizens that would infringe on their First Amendment rights to assemble peaceably and to petition the government for redress of grievances.

Senator KAINE of Virginia was instrumental in that bill, and Senator

BLUMENTHAL of Connecticut has additional legislation that is worthy of consideration.

In addition, the bill includes an amendment adopted by voice vote that requires the Defense Department within 3 years to implement the recommendations of a commission on how to remove all names, symbols, displays, monuments, and paraphernalia from DOD assets that honor or commemorate the Confederacy. Such legislation is long overdue. Senior Department officials have all indicated they are open to changing these names. There is bipartisan cooperation on this issue. This is the right thing to do, and DOD needs to lead the way.

To conclude, let me again commend Chairman INHOFE for his efforts in getting us to this point. Let me thank my colleagues especially for all of their hard work on getting this bill out of the committee.

I look forward to an open debate on the floor, voting on amendments, and getting this legislation passed. I look forward—in fact, look back at the days when that was a routine procedure, when our Defense bill was a way in which many people from different committees and different aspects of the Senate could come forward and offer legislation. We could debate legislation, vote, move forward, and at the end have a piece of legislation that this entire Senate was extraordinarily proud of, and that is my hope for this year.

With that, I thank you.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. CORNYN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CORONAVIRUS

Mr. CORNYN. Madam President, as the whole country knows now, in my State of Texas, we have recently lost some ground in our war against COVID–19. After seeing serious progress in flattening the curve, we have taken what Governor Greg Abbott has called a ''swift and dangerous turn.''

Over the last couple of weeks, the data has trended in the wrong direction. We have seen an increase in daily new cases, hospitalizations, and overall positivity rates. In response to these growing numbers, I have been working with leaders at every level of government to ensure we have the resources necessary to continue to win this fight.

Yesterday, I was privileged to travel back to Texas with Vice President MIKE PENCE for a briefing on Texas coronavirus response efforts. We were joined by Dr. Deborah Birx and HUD Secretary Dr. Ben Carson—two Coronavirus Task Force members—for a meeting with Governor Abbott at UT Southwestern Medical Center.

Governor Abbott discussed the concerning picture painted by these growing numbers. We went from 2,000 cases a day to 5,000, and the positivity rate soared from 4 percent to more than 13 percent. Some of our largest cities have experienced single-day records of new cases.

We have relied on our growing testing capability and capacity to understand how quickly this disease is spreading. In several Texas cities, community-based testing sites have been integral as part of this effort. These locations are a partnership between the Department of Health and Human Services, local public health authorities, and pharmacy and retail companies, and have been a major driver of our large-scale testing increase. Many Texans have gone to locations and received no-cost coronavirus testing, and this information has been crucial to understanding the community spread of the virus.

As case counts have recently climbed, the concern has only been magnified by an approaching deadline. Federal support for these testing sites was set to end tomorrow. The goal, of course, is to eventually shift these from Federal to State and local partners, but, to be frank, Texas was not yet ready to make that transition. Until we are, shutting down these sites would leave us without valuable information about the growing number of infections.

Last week, Senator CRUZ and I sent a letter to the administration to urge continuing Federal support for community-based testing in Texas. Our cities need more time to prepare to take on the financial responsibility of these testing sites, and it would have been a tremendous risk and an unnecessary risk to cut off funding before that transition was complete.

On Friday, we got some good news. The administration agreed to extend these operations in Texas for at least 2 more weeks, with an ongoing evaluation period after that. This will make sure we can maintain the testing capacity our public and private partners have worked hard to establish. Now we are roughly at about 1.9 million tests taken, but more testing will be the key to navigating this surge. I thank President Trump and his administration for taking swift action following our request to ensure that these critical testing sites will remain operational.

Each day, we are learning more and more about this virus. That is maybe one of the most maddening things about it. When we started, we had no idea what the trajectory of this virus would be. We have models, to be sure, but many of those models proved to be wildly wrong. People were necessarily and understandably anxious and some fearful about exactly what we were dealing with. I know we all manage risk in our daily lives, but uncertainty is hard to manage, and that is what we had at the very beginning.

So we have learned a lot, Dr. Birx pointed out yesterday, about the virus. We know it predominantly affects elderly people over the age of 80 and younger people with underlying comorbidities for the disease. Almost everybody else will recover from the virus. But because more and more people are turning up with no symptoms themselves, they are a risk to the people with the highest risk of mortality.

So I also believe we need to remind ourselves of the simple lessons we were told at the beginning. We were actually pretty good at it. Dr. Carson said: We know what to do; we just quit doing it. We know we need to maintain social distance. Mask when we can. We need to wash our hands. If you feel sick, stay home. Those are the sorts of things we do here in the Senate, which have allowed us to safely operate these last couple of months.

I also think we need to come up with a different strategy when it comes to testing. We not only need more testing, we need a strategy for testing, because until now, we have depended on people to show up and raise their hand and say: I want to be tested. But if you are asymptomatic, why would you go in for a test? You would have no indication that you have the virus or were potentially a risk for community spread to the most vulnerable part of our population.

So talking to Dr. Birx and others, I think this is something that we all ought to think more about and that the administration—I know I talked to the Vice President about this as well—not only come up with a strategy for more testing but a better strategy to make sure we are hitting as many people as we can so we can find those asymptomatic carriers because that is primarily what we are finding out now with more testing in Texas. But we also know that, whether it is a combination of Memorial Day or the opening of bars, where it is hard to socially distance—and there is not a whole lot of that going on in the bars—our Governor has now tapped the brakes, has closed the bars, and has stopped the gradual reopening of our economy until we get a handle on this worrisome spread of new cases.

If you look at the demographics of the new cases, it is people between the ages of 20 and 59. More and more, there are those who have underlying health problems who are ending up in our intensive care units, and as we know from before, when we wanted to flatten the spread so as not to impose an uncontrollable surge on ICU beds, we have to get our house back in order.

For the most part, that means that not only does the Federal Government have to do its part, but the State and local governments have to do their part, and we have to do our part, each of us. Each American has to do their part to follow the guidelines, and we will defeat this virus.

I know, in listening to Secretary Carson yesterday, that I told him he must have some Texas in his background because he made these comments, which

I thought were so appropriate. He said: ''We must learn to dominate this virus and not let the virus dominate us.'' I think that is exactly the kind of spirit that we all ought to have as we work forward together on an individual, on a local, on a State, and on a Federal level to dominate this virus.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Ms. MURKOWSKI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 4049

Ms. MURKOWSKI. Madam President, I am awaiting my colleague, the ranking member on the Energy and Natural Resources Committee, to come. We are going to engage in a short colloquy about our energy bill.

But before we do that and before he arrives, I would like to comment on a matter that my friend and also fellow traveler on the Energy and Natural Resources Committee, Senator CANTWELL, raised on the floor just about an hour ago, and this is with regards to a provision within the National Defense Authorization Act. This is section 3111, related to the review of the adequacy of the nuclear weapons budget at DOE.

She has raised the concerns and articulated them extraordinarily well. Know that, as the chairman of the Energy and Natural Resources Committee, I joined with my friend and colleague, the ranking member, in sending a letter to the chairman of the Armed Services Committee, as well as the ranking member, outlining the concerns that we had with this provision and really very, very clearly alarmed about the lack of the Energy Committee's involvement in drafting this section 3111.

But as Senator CANTWELL had outlined, what this provision would do is effectively empower sub-Cabinet level officials, primarily from DOD, to make potentially sweeping decisions about DOE's budget, going against what we think is good governance, in contravention of the Department of Energy Organization Act, and, as she outlined, it could put you in a situation where the priorities from the Department of Energy through the Secretary of Energy, whether it is cleanup of legacy defense waste, cyber security, funding for energy innovation, all of these priorities could basically be put at the wayside. We have significant, significant concerns about this.

I ask unanimous consent that the copy of the letter that Senator MANCHIN and I sent to Chairman INHOFE and Ranking Member REED, outlining the concerns that we have, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE, COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, DC, June 26, 2020.

Hon. JIM INHOFE,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

Hon. JACK REED,
Ranking Member, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR CHAIRMAN INHOFE AND RANKING MEMBER REED: As the Senate begins consideration of the National Defense Authorization Act (NDAA) for Fiscal Year 2021, we write to express our opposition to Section 3111, related to the review of the adequacy of the nuclear weapons budget at the Department of Energy (DOE), and several related sections. As written, these provisions would undermine and subordinate the Secretary of Energy's statutory authority, including his or her responsibility to prepare a budget for congressional review, and would likely result in collateral damage for DOE's non-weapons priorities.

Section 3111 directs the Nuclear Weapons Council (NWC), which is comprised of five officials from the Department of Defense (DOD) and the Administrator of the National Nuclear Security Administration (NNSA), to determine whether DOE's proposed budget request is adequate, ''in whole or in part, to implement the objectives of the Department of Defense with respect to nuclear weapons for that fiscal year.'' If the NWC determines the budget request is inadequate for that purpose, it is required to provide recommendations, including for funding levels and initiatives, to the Secretary of Energy. The Secretary of Energy is then required to accept those recommendations verbatim and wholesale, with no ability to improve or depart from them.

We support the objectives of increased stewardship of taxpayer dollars, transparency, and oversight of the DOE and NNSA budget as our nation embarks on the modernization of the nuclear weapons stockpile. Those objectives will help ensure continued stockpile safety, security, and reliability. However, as the leaders of the Senate Energy and Natural Resources Committee with jurisdiction over DOE and its National Laboratories, we are alarmed by the lack of our Committee's involvement in the drafting of Section 3111 and related provisions.

Most immediately, Section 3111 would empower subcabinet level officials, primarily from DOD, to make potentially sweeping decisions about DOE's budget. We believe this goes against good governance and is in contravention of the Department of Energy Organization Act of 1977. The NWC has a narrower focus than the Secretary of Energy, and its recommendations would likely prioritize nuclear weapons at the expense of other critical missions undertaken by DOE, ranging from the cleanup of legacy defense waste sites to the cybersecurity of our electric grid and funding for energy innovation.

We are also concerned that Section 3111 and its related sections would complicate the current statutory process by adding unnecessary steps before the DOE and NNSA budget request is finalized and thereby serve to delay DOE's ability to submit its annual proposal to Congress.

The Secretary of Energy must maintain clear control over, and accountability for, the Department's budget. The Secretary's statutory responsibility to certify the reliability of the nuclear stockpile must also be preserved. Alignment of the DOD and DOE nuclear weapon responsibilities cannot come at a cost to other critical DOE programs.

We appreciate your leadership on the NDAA bill but hope you will work with our Committee on provisions that impact DOE, the Secretary of Energy, and the NNSA. We filed several amendments to NDAA to strike Section 3111 and its related provisions, and we ask that you accept those while we work towards a compromise that avoids the impacts outlined here.

Sincerely,

SENATOR LISA MURKOWSKI,
Chairman

SENATOR JOE MANCHIN III,
Ranking Member.

AMERICAN ENERGY INNOVATION ACT

Ms. MURKOWSKI. Madam President, I have come to the floor this afternoon to be with my good friend, the Senator from West Virginia, to talk about our American Energy Innovation Act. I talked on the floor and we talked on the floor for a long while now, talking about the process that we used. We spent more than a year working with members of our Energy Committee and many other Members of this Chamber to put together an overwhelming bipartisan package.

We focused on a range of promising technologies, including energy storage, renewable energy, carbon capture, advanced nuclear, cleaner vehicles, and energy efficiency. We worked to improve cyber security. It would help modernize the electric grid. It addresses known weaknesses in our mineral security and our supply chains. It focuses on boosting the workforce development and job creation. It renews a range of popular programs, from ARPA-E to Weatherization Assistance.

It is a significant bill, and as you may recall, we were on this bill earlier in the year in February, and an unrelated matter stalled that measure out. It is stalled, but it is not dead, and I tell you that I remain 100 percent committed to advancing our bill into law before the end of the year. I know that this is something that Senator MANCHIN and I agree on very, very strongly, that we continue our work to advance the energy bill into law.

Mr. MANCHIN. Senator, I sure do agree with you wholeheartedly. It is something we worked on.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Madam President, the bill is the product of over a year of work and a robust process, both in the Energy Committee and also on the Senate floor, in early March, as you just said. And 39 of the 53 bills are bipartisan, which you don't hear very often, and 72 Senators have either sponsored or cosponsored language included in the package. That is 72 out of 100 of our Senators, Democrats and Republicans, who have participated in this energy policy.

The American Energy Innovation Act would authorize just over $24 billion for technologies critical to an ''all of the above'' energy policy. I repeat: ''all of the above.'' We need everything that we have. That keeps our energy dependable, affordable, and reliable, while also reducing emissions.

It truly takes a balanced and forward-leaning approach to updating our national energy policy for the first

time in over 13 years. This bill is necessary to help us chart the way to a cleaner and more secure energy future.

As you mentioned, our bill was unfortunately derailed, Chairman MURKOWSKI, back in March, by an issue that is entirely outside—entirely outside—of the Energy Committee's jurisdiction. We had no input in this whatsoever, but it stopped a piece of legislation that 72 Senators were involved in.

Since then, the world has dramatically changed, and our hearts are heavy with the loss of over 128,000 Americans due to the virus. What our country has gone through over the last few months reinforces a need for a comprehensive energy bill, as we heard just 2 weeks ago from experts testifying before the Energy Committee.

I am steadfast in my commitment to getting our American Energy Innovation Act done this year. I think it is needed more now than even 4 months ago, when you look at the shape that our country is in. It is a stimulus bill. It is basically an infrastructure bill, and it is a reliable energy portfolio that takes us well into the 21st century.

Senator MURKOWSKI.

Ms. MURKOWSKI. Well, Senator MANCHIN, I think we both would agree that we were more than ready to pass the bipartisan bill before the pandemic hit, and, as you point out, I think it is even more important, and I am certainly more ready than ever to pass that.

As you mentioned, the U.S. economy, our quality of life, and our health all depend on stable, secure, and an innovative energy industry. What we do within this bill—and, again, it is a very, very bipartisan bill—is we ensure that we remain a global energy leader while strengthening our security, making timely investments in clean technologies, and rebuilding our supply chains. And we have been talking a lot about the imperative to focus on the vulnerability of our supply chains.

But it also helps us capture the industries of the future and all the jobs and the benefits that are associated with them. So, as I mentioned before, it will help to improve our cyber security and foster innovation. When you think about the economic growth that we have seen in this country since World War II, it is that innovation that helps spur that economic recovery.

So, again, I feel pretty strongly that this bill was important before the pandemic, and it is even more important now as we try to focus on our Nation's recovery. I think that is where we can also help. Wouldn't you agree, Senator MANCHIN?

Mr. MANCHIN. We both agree, Senator MURKOWSKI, that the Energy Innovation Act is going to absolutely help our economy recover. We will never have a recovery coming off a recession or a real shutdown the way we have just seen unless there is infrastructure, and this is, by far, the best.

Between March and April, the energy industry lost 1.3 million jobs. That is a 13-percent drop that essentially wipes out all industry-wide job growth in the last 5 years. I repeat: For the last 5 years, it has been wiped out over 3 months. That is on top of the major shifts in the U.S. and global energy markets that preceded and intensified in the pandemic with a catastrophic hit to the economy, and, most importantly, to the workers.

American workers need immediate relief, as well as longer term assistance, and they need jobs in the sectors of tomorrow's energy economy. This energy package puts billions of dollars into research, development, demonstration, and deployment of energy technologies that will create skilled and high-paying jobs while also establishing workforce grants to ensure unemployed or new workers have the skills and opportunities to get back to work as quickly as possible.

On top of that, our bill would help develop technologies needed in four sectors of the U.S. economy—power generation, transportation, industry, and commercial and residential buildings—that contribute 90 percent of U.S. greenhouse gas emissions.

While we are expecting a 14-percent drop in U.S. carbon dioxide emissions from the energy sector in 2020—the largest drop ever—because our economy was shut down, those emissions will bounce back as our country opens back up. Investing in technologies like carbon capture, energy storage, and energy efficiency are critical for rebuilding our economy, something that we desperately need right now while also reducing emissions.

Senator MURKOWSKI, our bill invests in technologies across the board and across fuel types. Do you agree that keeping this ''all of the above'' energy package together is, by far, the best path forward?

Ms. MURKOWSKI. It is absolutely the best path forward. When you take the good committee work that we have engaged in and you then bring that to the floor, as we have, we had substantive process. We are so close to getting this measure actually through the Senate, but I think we recognize that, as we do that, that ideal package is not before us right yet.

As the chairman and the ranking member on the committee, we have received requests from Members who have items in our energy bill who are seeking to include them as potential amendments on the NDAA, which is currently on the floor. I have actually filed two amendments to NDAA. One is the text of our Nuclear Energy Leadership Act, and the other is our American Mineral Security Act. Effectively, this provides a second pathway in case we remain blocked on our energy bill. I want to say that this is not the preferred path at all. That is not where we want to go with this bill.

My clear, clear, clear, and undeniable preference is that we enact all of these measures as part of the energy package. So to my colleagues who might think, ''Well, wait, I see a few energy-related provisions; what is going on?'' we are not taking our foot off the gas of our American Energy Innovation Act.

I know, Senator MANCHIN, you have been working with us on some of these amendments that we are dealing with within NDAA, but I know you also greatly prefer to pass them as part of our broader energy bill.

Mr. MANCHIN. Senator MURKOWSKI and I, working together, and our staffs working so diligently, have put together a truly bipartisan energy package, which is comprehensive, and our country needs every part of it to get enacted—every part of it.

Our national energy policy hasn't been updated since 2007. I want you to think about 2007. That was the same year the iPhone was released. There have been 10 different iPhone models to keep up in a world that is constantly evolving since 2007, but we haven't been able to do the same for energy policies. So it is long overdue.

Getting this update enacted is long overdue, as I said, and I hope that every one of my colleagues agrees and will come together to support passing this bill in its entirety—in its entirety—rather than moving it in pieces, and that is what we want to prevent from happening.

Seventy-two of my fellow Senators have language in this bill that they have either sponsored or cosponsored. Let's move this bill as it is rather than piecemeal, or, even worse, having to start from scratch for next year, which will put us behind even further. Would you agree, Madam Chairwoman?

Ms. MURKOWSKI. Senator MANCHIN, the thought of having to start over—as you say, to start from scratch—is absolutely the wrong way to address our energy policies and the reforms that are needed. I completely and fully agree with you. It would be a mistake. It would be a significant mistake for Congress to simply give up on energy policy for yet another year.

As you have indicated, Congress last enacted a major energy bill in 2007. That is more than 12½ years ago. That is unacceptable.

That is the thing that is holding us back then, but even despite the fact that we have not been able to update our energy laws, we have even an oil-and-gas renaissance. The cost of renewables has declined sharply. New technologies have begun to emerge. We have new challenges and opportunities to address, but what is missing here is the U.S. Congress coming together to modernize our Nation's energy policy.

I think it would be a mistake to decide that this is just too hard; that there is not enough time left. We have been down that road before. Ladies and gentlemen, we are so far along in this process that we just need to keep pushing and keep moving. We are so far along, but that thinking would push us back to a reset or a restart. It is just not where we want to be.

Senator MANCHIN, I will just ask one final question; that is, whether you agree that there will be no giving up at any point from either one of us on this very important American Energy Innovation Act.

Mr. MANCHIN. That is exactly right, Madam Chairman. We have worked so hard on this.

This is going through the process. We always talk about the process. Before it comes to the floor, every piece of legislation should go through the process.

We have fifty bills that have gone through the process in our committee, and most of them are bipartisan. It doesn't get any better than that. We didn't have any disagreement at all, until we got another piece of legislation they were trying to throw in that we had no jurisdiction over. We would love to help them if we could, but they shouldn't hold up this bill here. Hopefully, they are working out their differences in the other committees. I am sure they are.

I am committed to working with you, as we have been working in the past year or more, to get this completed once and for all. It is something I know that we, as a committee, every Member in this Senate—72 are cosponsors—but, truly, the entire country needs. They need to have dependable, reliable, and affordable energy. They need that to be pragmatic and realistic, working with all the energies we have but demanding, through innovation—not elimination but through innovation—a much cleaner result and a better environment for all of us. That is what we do in this bill. We tackle every part of it.

I am very pleased to be working with you. I am as committed as you are to get this done before we get out of here.

Thank you.

Ms. MURKOWSKI. Thank you.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

FAMILY FARMS

Mr. GRASSLEY. Madam President, the past few months have resulted in some dramatic changes in our daily lives. We all know that is because of the virus pandemic, but for America's farmers and the 86,000 Iowa family farms, there were still crops to be planted, fields to be fertilized, and livestock to care for, regardless of the virus pandemic.

These family farms take great satisfaction in the fact that they are part of the most affordable, abundant, and safest supply of food of any country in the world. They are also proud to help fuel the country, knowing that almost every gallon of gas consumed in the United States is blended with renewable fuels.

Family farmers have a lot to be proud of. As one of two farmers serving in the U.S. Senate, I can speak to that because I am one.

One of the most enjoyable aspects of my job is the opportunity to speak with farmers across the State during my annual 99 county meetings. Being able to hear from them directly and to use my position on the Senate Agriculture Committee to work on their issues is an honor and a privilege that I don't take lightly.

At my meetings, farmers will introduce themselves by telling me how many generations of their families have made their living on the same land that they now operate—third-, fourth-, and fifth-generation farmers using the same soil and oftentimes the same tools and barns as generations before them.

In fact, the Iowa Department of Agriculture Century Farm database shows that out of these 86,000 family farmers in Iowa, there are 20,060 farms in our State that have been in the same family for more than 100 years. Even more impressive, out of that 86,000 family farmers, we have a classification called the Heritage Farm database showing 1,360 farms that have been in the same family for 150 years.

Farming isn't just a profession. It isn't just a hobby or a personal passion. Farming is how many Iowans leave their mark in our world.

The legacy of many Iowa families is built and created around life at that farm. Every farmer intends to leave their land to their children better than when they found it when it was entrusted to them for their care in the first place. Farmers live by that creed, and it is reflected by the fact that Iowa is a global leader in sustainable farming practices.

Through farm bill programs at the U.S. Department of Agriculture, the Federal Government has proven it can successfully partner with farmers to enhance conservation practices.

At the State level, Governor Reynolds and Iowa Agriculture Secretary Naig are leading the charge to implement the Iowa Nutrient Reduction Strategy—our way of cleaning up the rivers and helping the Gulf of Mexico to not be as dead as it is so often. This includes techniques like no-till, cover crops, and wetland restoration to improve soil health and enhance water quality.

Researchers at Iowa State University continue to develop new conservation techniques, like adding tall grass prairie strips to fields and modeling when to best apply fertilizer.

Iowa farmers have embraced voluntary stewardship investments and practices that allow them to stay productive and to be profitable—maybe not so profitable now when corn is at less than $3 a bushel, as an example, but overall time profitability. They do this while also ensuring their land can be productive for years to come, for when it is time to give their children a chance to take over the farm.

So while the Federal Government has shown an ability to partner with Iowa farmers, there are also times when the Federal Government has overstepped its authority and attempted to regulate private landowners with one-size-fits-all solutions.

For example, in 2010, the USDA's Natural Resources Conservation Service—it goes by NRCS in most States—determined that an Illinois farmer by the name of Kurt Wilke and his family could not maintain and farm their land. This was in 2010. It is now 2020. We might have a resolution of this, finally. The USDA claimed the land contained wetlands, despite documentation to the contrary.

In early 2011, Mr. Wilke started making improvements to his drainage tile system on that farm. That is when the NRCS got involved. For him, it was a terrible life for the next several years. They told him to stop the work; in other words, stop improving your land through the drainage tile system. They warned him that he was putting farm program payments at risk.

Earlier this month, after nearly a decade of court battles with the NRCS—Farmer Wilke was fighting the NRCS in court battles—a determination by the Director of the USDA's National Appeals Division reprimanded this NRCS agency for overstepping its bounds. Can you imagine stepping in to say that a farmer can't farm his farm?

The USDA stepped in because they had failed to obey their own rules. The appeals division favored Mr. Wilke. This protracted court battle should have been avoided.

In regard to that, I am going to read, and then I am going to ask unanimous consent to print in the RECORD the Iowa Farm Bureau Federation newspaper called the Spokesman.

This started in 2010. So, in 2020, this finally ends, where one division of the U.S. Department of Agriculture, called the National Appeals Division, because of their decision, Mr. Wilke will have an opportunity to be reimbursed for tens of thousands of dollars in legal fees incurred while fighting for fair treatment.

I ask unanimous consent to print this article in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[June 17, 2020]

USDA APPEALS DIVISION ADMONISHES NRCS FOR NOT FOLLOWING ITS OWN RULES

A battle over a farmer's right to use and care for his own land is one step closer to being resolved. A determination by the director of USDA's National Appeals Division admonishes the Natural Resources Conservation Service for failing to obey its own rules. The ruling favors an Illinois farmer who battled NRCS for more than a decade. The decision is a welcome signal that concerns from across the countryside about NRCS conservation compliance are being heard.

In 2010, the NRCS determined that Illinois farmer Kurt Wilke and his family could not maintain and farm their land, claiming it contained wetlands, despite documentation to the contrary. An administrative judge ruled against the NRCS, but the agency repeatedly filed the same findings, forcing Wilke to fight the issue in court four times over more than a decade. Each time, an administrative judge ruled in Wilke's favor.

Wilke's case is not unique. In 2019, the American Farm Bureau Federation called on USDA to ensure fair treatment of farmers and ranchers by NRCS, highlighting Kurt Wilke's case and others. AFBF called for due process in enforcement of conservation and a transparent decision-making and appeals process.

AFBF welcomes the NAD director's decision, which clears the way for Wilke to be reimbursed for tens of thousands of dollars in legal fees incurred while fighting for fair treatment. The NAD director found that the NRCS ignored its own standards in determining what constitutes a wetland, stating, ''NRCS's decision to disregard evidence affected the accuracy of its calculation.'' The ruling continues, ''Because NAD determined that, NRCS's scopes and effect analysis did not follow federal regulations or established procedures, NRCS cannot now argue that it did so.''

American Farm Bureau President Zippy Duvall said, ''This decision about a decade old case sends a strong message to NRCS that the government must play by its own rules and treat farmers and ranchers fairly. We understand the importance of following environmental rules, but we expect fair enforcement of those rules. We hope this marks the end of NRCS ignoring facts and procedures. We look forward to conservation being a partnership between NRCS and farmers.''

The NAD director's decision follows a unanimous ruling by the Court of Appeals for the Seventh Circuit in USDA v. Boucher, which sternly rebuked NRCS conservation program enforcement in 2019. In the court's words, ''USDA repeatedly failed to follow applicable law and agency standards. It disregarded compelling evidence showing that the acreage in question never qualified as wetlands that could have been converted illegally into croplands. And the agency has kept shifting its explanations for treating the acreage as converted wetlands. The USDA's treatment of the Bouchers' acreage as converted wetlands easily qualifies as arbitrary, capricious, and an abuse of discretion.''

Mr. GRASSLEY. He finally gets justice, but just think of the life of Mr. Wilke for the 10 years that the U.S. Department of Agriculture and that agency said he could not farm his land the way he wanted to and put in the tile system the way he wanted to. Sometimes maybe their opinion is justified, but you can see how they overstepped their bounds and how it hurt this farmer.

I want to give you another example of government overreach. It was the Obama-era regulation called waters of the United States. Most people know that as WOTUS. The 2015 WOTUS rule was a dramatic expansion of the authority that Congress provided to the Environmental Protection Agency to regulate the navigable waters of the United States. Remember navigable waters? It is supposed to be the definition of—as far as the big boats can go up a river. That is Federal regulation. Beyond that, it is State regulation, but not for that previous administration and WOTUS. They were going to regulate the road ditches, as an example.

In fact, the Obama-era rule would have claimed jurisdiction to require Federal permission to do any number of activities, not just in or near Iowa rivers and streams but on 97 percent of Iowa's land.

To clear up a common confusion, this rule wasn't about regulating discharge of pollution into the waterways, which is important and is done through other parts of the Clean Water Act. What this whole WOTUS rule was about was requiring Federal redtape for routine land use decisions with little or no environmental benefit. It was a power grab, pure and simple.

One week ago today, the Trump administration's WOTUS rule went into effect. This rule balances the need to protect our navigable rivers while also protecting the private property rights of businesses, homeowners, and, of course, family farms. This is a major accomplishment, and I congratulate President Trump and Administrator Wheeler on getting this rule over the finish line.

I hope people remember 4 months from now—particularly people who are farmers—what WOTUS would have done for you if it had been kept in place. You maybe would have had to get a permit from the government to do normal farming operations. Now you don't have to. You never have had to in 150, 160 years in Iowa.

For the time being, these two examples of government overreach have been resolved. However, the U.S. Congress and the executive branch must continue to advocate for fairness and common sense when passing legislation or regulations that will impact private land owners.

Farmers understand the importance of environmental rules, and farmers will follow those rules. However, we must demand fair enforcement of those rules so that they don't disadvantage family farmers like Mr. Wilkie of Illinois was disadvantaged for 10 years fighting the bureaucracy. However, we must demand fair enforcement of these rules so that they don't disadvantage anybody, for that matter.

The virus pandemic that we are in has demonstrated the importance of supporting farmers and ensuring that we have a stable, safe, and affordable food supply for our country. Through natural disasters, through droughts, through pests, through pandemics, America's families are still farming. Let's make sure that the Federal Government doesn't get in their way so that they can pass along their legacy and their farm to future generations.

I yield the floor.

The PRESIDING OFFICER (Mr. BOOZMAN). The Senator from Illinois is recognized.

RUSSIA

Ms. DUCKWORTH. Mr. President, I come to the floor today appalled by what appears to be a total betrayal of troops by the man who is supposed to be their Commander in Chief, a man who swore an oath to support and defend our Constitution from our Nation's enemies.

This weekend, news broke that Russia offered bounties to Taliban-linked militants for the murders of U.S. troops and other coalition forces in Afghanistan—bounties that have reportedly led to the death of at least one American servicemember, and there may have been more. Yet, while numerous news outlets have confirmed that Donald Trump was briefed on the matter months ago, his administration still hasn't taken any apparent steps to push back against Russia's blatant and provocative act of aggression. In fact, far from authorizing any normal, reasonable, expected retaliation, Trump has actually refused to issue even a cold word about the foreign adversary colluding with terrorists to kill Americans in exchange for cash. Instead, he has continued to heap praise on Russia and the tyrant at its helm, describing the ''great friendship'' between our countries as recently as last month, long after he reportedly learned about the bounty scheme.

Despite many independent news reports claiming otherwise, the White House spent the weekend denying that Trump was ever told of this intelligence. Well, saying that Trump administration officials are prone to lying is like saying they are prone to breathing, but there are two possible scenarios before us. Both are damning for the man who is supposed to be in charge.

The first is that Trump was never actually looped in. In this case, ignorance isn't exculpatory. ''I didn't know that our adversary was helping kill American troops because no one told me'' is not an excuse for the Commander in Chief of the greatest military on Earth. It is, in fact, a confession of incompetence.

If he was truly never told, then that means that his own staff either believes he is so compromised by Russia or they consider him so counterproductive to the running of the country that they thought it necessary to hide critical information about our national security from him.

If it is true that those who knew of this threat to American lives failed to tell the President, then we should expect a President with such an affinity for firing senior officials to have no qualms about acting swiftly to remove Cabinet officials who failed to share this critical information with him.

The second and far more likely option is that they are covering for him; that Trump knew—that of course Trump knew—yet he still did not act; that this ''America first'' President went right on placing Russian interests ahead of American lives, kept on acting as Putin's lackey, trying to score Russia an invite back into what would be the G8, even as he learned that they were working with terrorists to target our troops. Then, when the news finally broke on Friday, he decided to lie about what he had known all along, focused more on protecting his own personal reputation than protecting the troops sacrificing for our country overseas on his orders.

Well, at least one American servicemember is reportedly dead as a result

of these bounties. While he spent his weekend golfing, lying, and making sure the buck stopped anywhere but with him, our troops in hotspots around the world were forced to wonder whether they might be next, whether a bounty might be placed on their head tomorrow, and whether President Trump would even care enough to respond if that was the case. Once again, Donald Trump has abdicated any semblance of real leadership.

Look, even if we somehow swallow the pill that the Trump administration is so incompetent that no one ever told Trump that a foreign power conspired to commit acts of terror against our troops, it still wouldn't explain his response now that he does know. Not once—not once—since the story broke has he expressed his sorrow for those who lost a loved one or expressed awe at the bravery of the servicemembers who are in harm's way because they love their country so much that they are willing to go to a war zone for her.

He has had time to call Joe Biden names, however. He has had time to retweet a video promoting White power. He has had time to promote conspiracy theories and bolster Russia propaganda by questioning the American intelligence experts who work for him. Not once—not once in the past 72 hours has he found the time to express outrage that American service men and women are dead. We, the American people, should be outraged by what he is choosing to prioritize instead.

I am racking my brain for any justifiable reason for Trump's reaction. Does he think that maybe there are good people on both sides of this debate too—in the debate between killing American troops and protecting them?

Does he think that the word of Vladimir Putin is just as good as the dedicated public servants and intelligence officers who put themselves at great risk to make sure he has the best, most accurate information to make national security decisions?

Does he think that not retaliating will help bury the issue and that by burying the issue, it will help keep his poll numbers from sinking any lower?

Make no mistake—not responding here is a response in its own way, and it is a response that further endangers our national security. Just as he did when he pandered to another tyrant and announced he would sweep our troops out of Syria last fall, just as he did when he wanted to look tough by ordering the assassination of Iranian General Qasem Soleimani last year, he has put Americans in war zones in even greater danger than they were in already—in greater danger than they needed to be.

By refusing to call out this wrong, by decrying the reports as fake news, by being so incompetent in matters ranging from foreign policy to common decency, Donald Trump is making it more likely that other hostile powers will work with other terrorist networks to exchange other American lives for stacks of cash. He has made it more likely that more spouses will be widowed and more moms and dads will turn into Gold Star parents.

Listen, I ran for Congress so that when the drums of war started beating, I would be in a position to ensure that our elected officials fully considered the true cost of war—not just in dollars and cents but in human lives. If that war must occur, then of course I will support it, but what I never ever imagined was that I would have to come to the floor of the Senate to point out that the American President should be angry—even furious—when another nation puts a bounty on the heads of our troops; that I would have to be here to point out for our President that the Commander in Chief of the most powerful fighting force the world has ever known should act like a Commander in Chief.

Those troops deserve to know what the administration is doing to protect them and why Trump has, so far, failed to take any action to protect them. That is one reason why I am demanding a Senate hearing to hear testimony from the Secretary of Defense, the Secretary of State, the Director of the CIA, and others so we can get to the bottom of this once and for all.

Donald Trump has never understood what words like ''sacrifice'' or ''courage'' mean, so how dare he let his own personal cowardice, his inability, or—even worse—his disinterest in standing up to Vladimir Putin lead to a reality where those Americans who are actually brave enough to put on a uniform and serve are put at greater risk. How dare he let his own personal insecurities and failings endanger our national security.

In the face of all he has done, all he continues to refuse to do, how dare he still call himself the Commander in Chief.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 4049

Mr. INHOFE. Mr. President, for 59 years in a row, Congress has passed the NDAA—almost always on a bipartisan basis. This year will be the 60th year in a row. I am proud to say the fiscal year 2021 National Defense Authorization Act continues in that long bipartisan tradition.

There is not much around here anymore that passes every single year, let alone with the support of both parties. But we all know what the bill is all about; it is about support of our troops and our national security. I hope we will all keep that in mind, as we discuss the amendments to this bill, to keep them on topic.

Last week, I talked a little bit about how we are falling behind China and Russia and how those two countries are now our biggest threats. I think we all know how that happened. It happened in the last 5 years of the Obama administration. During those last 5 years, the President's budget took 25 percent of the military budget away from the military. This has never happened before. Yet that is what happened.

What happened at the same time—I don't think a lot of the Members are aware of this, but China and Russia—they are the enemies out there. During the time that our President had defunded the military by 25 percent, Russia actually increased theirs by 34 percent. We went down 25 percent; Russia went up 34 percent.

What was China doing during this time? China, while we were going down 25 percent, went up 83 percent.

You see what the problem is. They just passed us up in a lot of areas. We can name those—hypersonics and other areas where they were building.

They are building up their military capabilities and positioning themselves strategically around the world. We know they are showing up in places they have never been before.

Fortunately, we have a strategy to counter them. It is called the national defense strategy. I meant to bring that down with me because I make reference to that. The national defense strategy is a document that is put together by 12 Democrats and 12 Republicans—all very top people in terms of their knowledge of the military—who get together and say: What should be our roadmap? What we are going to do to put ourselves in a position where we can counter Russia and China?

We have the national defense strategy. It came out in late 2018. At that time, the military services had been implementing this plan with the support of Congress in previous NDAAs. This is the third year now that we have that.

What we did this year was speed up the implementation. We set America on a course to make sure that we are setting ourselves up for success no matter what threat comes our way. We do that by using this document, the NDS, the National Defense Strategy Commission report.

What this says is that we need to create a credible military deterrent that tells Russia and China and anyone else who would do us harm: You just can't win. We are going to win. We will beat you—no matter who you are out there. That is what this NDAA does.

It says that we need to invest in the equipment, tools, weapons, resources, and training our troops need to succeed in their mission. We also make sure that they are in the right places and at the right time. That is what the NDAA, which we are considering right now—which we are proceeding to right now—will do.

It says that our biggest threats come from Indo-Pacific region. The NDAA

creates a Pacific Deterrence Initiative to enhance lethality, address key capability gaps, and support our allies and partners over there. This is something that we haven't done before. The strategic Pacific Deterrence is like European Deterrence. It was very successful, and that is what we are doing now in the Middle East.

Several of us, including the Chair, have been to the South China Sea. We have watched China doing things, building islands—something that has never been done before—going into areas they have never been before, such as Djibouti. Historically, it has been the practice to do things in China, starting things within their city limits. But that is not the way it is anymore. It is now all throughout Africa, Djibouti, as far south as Southern Tanzania.

It says that technology is changing the nature of warfare rapidly and that we have to keep up with China and Russia, who are working hard to build weapons that we have never even heard of. So the NDAA pushes innovation and makes it easier for the Pentagon to harness that innovation throughout the defense industrial base. We harden our supply chains so that China and Russia can't be a threat to us there. We have issues there, but the pandemic really showed us where our weaknesses are.

This bill helps us reduce our reliance on foreign countries and protects our supply chain and our key technologies from infiltration and other risks. The NDS Commission report also tells us how the Pentagon's massive bureaucracy sometimes inhibits our ability to innovate and operate. The NDAA helps the Pentagon fully implement the NDS, improving the way they budget, giving them flexibility to hire and keep top talent, but always making sure they are accountable to the taxpayer.

No matter what threats we face—no matter who, what, where, when, or how—the one constant is the men and women who make up the force. These are the brave Americans who volunteer to wear the uniform and put themselves in harm's way because they believe in this Nation, and they are willing to give their lives to defend it.

At the end of the day, that is the most important thing this bill does: It takes care of our troops and their families. They sacrifice so much, and they risk so much. We are all aware of that. We have to make sure that we are taking care of them right. That is what this bill does.

This is a very serious, sacred responsibility we have—one I don't take lightly. While I am on the floor, throughout the debate on this bill, I am thinking about them.

When we are talking about this bill, the numbers we are talking about—the $740.5 billion and the 2.1 million servicemembers—the sheer size can make you forget sometimes that these are real people who rely on us to do things and to do things right. That is one of the big differences. We hear people all the time—the anti-defense crowd out there is always talking about how we are actually spending more money on military than China and Russia put together. That is true. The most expensive part of the military is the people. That is the most expensive part.

Of course, Communist countries don't care about the people. They just give them a rifle and say: Go out and kill somebody.

Here are a few of those people who are counting on us this week.

I am thinking about one of my former interns who started his journey at the Air Force Academy last week, as well as all of the other new cadets and midshipmen at the Air Force Academy, the Naval Academy, and West Point.

I am thinking about the 40 new soldiers I talked with before they took their oath of office on the birthday of the U.S. Army. They are the future of our military.

I am thinking about the sailors and marines serving overseas whom I had the honor of meeting earlier this year.

I am thinking about Janna Driver, a tireless military spouse. Her husband was stationed at Tinker Air Force Base. She came to my office. I was thinking it was something that was just happening at Tinker Air Force Base, but she talked about the deplorable housing situation, and it all started with the privatization of housing. She was talking about that. I assumed this is a problem that we needed to address only at Tinker Air Force Base. Then I found out it was all over the State of Oklahoma, in all five of our major military installations. Then we found out it was nationwide. This is something that we started working on. This is the privatization of housing and how it is deteriorating. We got on it right away.

Again, this is something that China and Russia don't have to do because they don't care about taking care of their people. They don't have to do that in a Communist country.

I am also thinking about Kristie Roberts, a member of the 138th Fighter Wing of the Tulsa Air National Guard, who lost her husband, Staff Sergeant Marshal Roberts, in March.

Each of them represents hundreds of thousands of other men and women who are serving our Nation, and we owe it to them to get this done together.

I am glad to have by my side the ranking member, who shares my dedication and gratitude to our troops, JACK REED. I have to thank JACK REED for being a great partner and friend and for his support of this bill. In fact, JACK REED and I have worked together for 3 years now, and we are singular in the efforts that we want for our military system. I am sure there are occasionally some differences, and we don't agree on everything, but we resolve the problems.

Of course, we wouldn't be here if it weren't for our staff. We have John Bonsell for the majority and Liz King for the minority. I will talk more about them later, but they deserve a lot of praise. They are used to working at night, and they are used to working at odd hours. They are tireless. They have done tremendous work, and the proof of that is the overwhelmingly bipartisan vote out of committee. The vote to move forward with the NDAA last Thursday passed out of committee to the Senate floor by a vote of 25 to 2, and the 2 who voted against it never vote for military anyway, so I call that unanimous. I am looking forward to seeing the same strong bipartisan support and to voting on this bill, hopefully, at the end of this week.

We are going to give it careful consideration, and I look forward to working with you all to make it better through the amendment process. That is what we are starting on right now.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the motion to proceed.

Mr. INHOFE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from North Dakota (Mr. CRAMER), the Senator from Wyoming (Mr. ENZI), and the Senator from Pennsylvania (Mr. TOOMEY).

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. MARKEY), the Senator from Oregon (Mr. MERKLEY), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 89, nays 4, as follows:

[Rollcall Vote No. 128 Leg.]

YEAS—89

Alexander	Coons	Heinrich
Baldwin	Cornyn	Hirono
Barrasso	Cortez Masto	Hoeven
Bennet	Cotton	Hyde-Smith
Blackburn	Crapo	Inhofe
Blumenthal	Cruz	Johnson
Blunt	Daines	Jones
Booker	Duckworth	Kaine
Boozman	Durbin	Kennedy
Braun	Ernst	King
Brown	Feinstein	Klobuchar
Cantwell	Fischer	Lankford
Capito	Gardner	Leahy
Cardin	Gillibrand	Lee
Carper	Graham	Loeffler
Casey	Grassley	Manchin
Cassidy	Hassan	McConnell
Collins	Hawley	McSally

Menendez	Rosen	Stabenow
Moran	Rounds	Sullivan
Murkowski	Rubio	Tester
Murray	Sasse	Thune
Paul	Schatz	Tillis
Perdue	Schumer	Udall
Peters	Scott (FL)	Van Hollen
Portman	Scott (SC)	Warner
Reed	Shaheen	Whitehouse
Risch	Shelby	Wicker
Roberts	Sinema	Young
Romney	Smith	

NAYS—4

Harris	Warren
Murphy	Wyden

NOT VOTING—7

Burr	Markey	Toomey
Cramer	Merkley	
Enzi	Sanders	

The motion is agreed to.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2021

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 4049) to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 2301

Mr. INHOFE. Mr. President, I call up the substitute amendment No. 2301.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE] proposes an amendment numbered 2301.

Mr. INHOFE. Mr. President, I ask unanimous consent that the reading of the amendment be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

AMENDMENT NO. 2080 TO AMENDMENT NO. 2301

Mr. MCCONNELL. Mr. President, I call up amendment No. 2080.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. PORTMAN, proposes an amendment numbered 2080 to amendment No. 2301.

Mr. MCCONNELL. I ask consent that the reading of the amendment be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2080) is as follows:

(Purpose: To require an element in annual reports on cyber science and technology activities on work with academic consortia on high priority cybersecurity research activities in Department of Defense capabilities)

At the end of subtitle C of title II, add the following:

SEC. 240. ELEMENT IN ANNUAL REPORTS ON CYBER SCIENCE AND TECHNOLOGY ACTIVITIES ON WORK WITH ACADEMIC CONSORTIA ON HIGH PRIORITY CYBERSECURITY RESEARCH ACTIVITIES IN DEPARTMENT OF DEFENSE CAPABILITIES.

Section 257(b)(2) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Sta. 1291) is amended by adding at end the following new subparagraph:

''(J) Efforts to work with academic consortia on high priority cybersecurity research activities.''.

Mr. INHOFE. Mr. President, for the information of all Senators, Senator REED and I have reached an agreement on the first managers' package, and we will be hotlining that list on both sides this evening with the hopes of clearing it and adopting those amendments tomorrow.

The PRESIDING OFFICER. The majority leader.

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—H.R. 7259

Mr. MCCONNELL. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The legislative clerk read as follows:

A bill (H.R. 7259) to allow acceleration certificates awarded under the Patents for Humanity Program to be transferable.

Mr. MCCONNELL. Mr. President, I now ask for a second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive a second reading on the next legislative day.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to the provisions of S. Con. Res. 38 (116th Congress), appoints the following Senators to the Joint Congressional Committee on Inaugural Ceremonies: the Honorable MITCH MCCONNELL of Kentucky; the Honorable ROY BLUNT of Missouri; and the Honorable AMY KLOBUCHAR of Minnesota.

ORDERS FOR TUESDAY, JUNE 30, 2020

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Tuesday, June 30; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time of the two leaders be reserved for their use later in the day, and morning business be closed; further, following leader remarks, the Senate resume consideration of Calendar No. 483, S. 4049; finally, that the Senate recess from 12:30 until 2:15 p.m. for the weekly conference meetings.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of our Democratic colleagues.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER (Mr. SULLIVAN). The Senator from Oregon.

UNANIMOUS CONSENT REQUEST

Mr. WYDEN. Mr. President, the COVID–19 pandemic has thrown our country into a nightmare level crisis of joblessness. The Congress has not done enough to stop it and has not done enough to save the jobs of our people.

I have come to the floor this evening to call for the Senate to pass legislation that is all about saving the public sector jobs that form the backbone of our local communities, our firefighters, our first responders, our teachers, our families, and so many others. They need our help. They need it now.

Senate Democrats have been warning since March that when COVID–19 cases exploded and our economy went into lockdown, our States, our cities, and our towns are now facing budgetary disasters unlike any they have gone through in recent memory. The shortfalls that State and local governments are facing due to the pandemic make the great recession look like a modest little economic hiccup. Layoffs are now happening at nightmarish levels.

In March, April, and May, there were 1.5 million job losses. Among these key individuals were the firefighters, the first responders, our public employees, folks who teach our kids, work in public health, emergency response, and play a key role in maintaining our roads and highways. I am just going to take a few minutes to run through some specific examples of why Senate Democrats think this is so important.

First, what kind of sense does it make to sit back and allow thousands and thousands of first responders to lose their jobs in the middle of a pandemic? COVID–19 cases have spiked now in places around this country. Our public health systems are getting hit like they were hammered with a wrecking ball. State and local governments are being forced to cut EMS

workers at the exact moment they need more first responders who know how to keep the ailing of this country safe.

Second, let me mention education. Our country is in danger of losing a generation of teachers if Congress does not act to save their jobs. The official jobs data showed that in April alone, just 1 month, nearly half a million K–12 employees lost their jobs—half a million. Education experts have estimated that hundreds of thousands of teachers could be permanently laid off without action.

Schoolchildren are already facing major setbacks due to the fact that they can't get the same level of face-to-face instruction during the pandemic. Far too many kids come from working families and are falling behind because they don't have the technology, and they don't have the support at home. Too many kids are hungry. Too many kids are neglected. Nobody knows when they are going to be back in class full time.

Helping those young people catch up when this pandemic ends is already going to be incredibly hard, and it will be even harder if the Nation loses hundreds of thousands of dedicated teachers in the meantime, and that is just K–12.

The COVID–19 crash is a disaster for Americans who want to get an affordable college degree as well. Our public colleges and universities are taking enormous losses. In my home State of Oregon, the losses added up to $130 million this spring. States are facing big, higher education budget cuts. School administrators are doing their best to plan for the future, but, still, they don't know when their campuses are going to go back to normal. You only have to look back to the great recession to see what is likely to happen next. More and more costs getting pushed onto more and more students and their working families. Two-thirds of the class of 2018 borrowed to pay for college, and those borrowers held an average of $30,000 in debt on graduation. Someday soon, that may be something like a bargain.

Third, our country's already crumbling infrastructure is going to get even worse if communities can't afford to invest in roads and highways and other essential infrastructure projects. It is a self-defeating prospect. If the Congress doesn't help communities tackle the projects now, they will cost even more down the road and when the maintenance backlog grows. Delaying these kinds of projects makes it even harder for local economies to recover because all those workers will be out of a job, and a lot of businesses don't want to invest in places where there is a crumbling infrastructure.

The proposal I offer tonight with the Democratic leader will help to save these jobs and stave off a whole lot of preventable economic hardship. One of the key lessons the Senate ought to remember from the great recession is that failing to support State and local budgets will prolong suffering across this country. It will slow down the recovery, and it will guarantee the country does not bounce back quickly in 2020.

Our proposal builds on legislation that has already passed the other body. It incorporates State and local portions of the Heroes Act that rescues firefighters, first responders, infrastructure jobs, and teachers. It also includes an important proposal for the rural West—Secure Rural Schools and Payments in Lieu of Taxes, what is call SRS and PILT. Even before COVID–19, our rural communities started with weaker economies, fewer public health resources, and worse access to healthcare. They were bound to have a harder time responding to and from the pandemic.

Secure Rural Schools, which I authored with our former colleague, is all about bringing certainty and stability to communities and counties, often the frontline healthcare providers in far-out places. These are places where you have seen boom-and-bust traditional dependence on resource extraction, and there have been cycles where it is almost impossible, as the Presiding Officer knows, to plan for what is ahead.

Our proposal would create a permanent endowment of funds to provide a predictable source of funding for rural economic development, roads, and schools. Payment in lieu of taxes is all about providing that same kind of certainty to those who live in rural areas dominated by Federal lands. They have the same right as anybody else to reliable services: firefighters, safe roads, highways, and schools. Ten years of permanent mandatory payment in lieu of taxes will help those counties budget for the future.

I am going to close with one last argument I have heard from the other side and then yield to the distinguished Democratic leader. The other side often says that our ideas are some sort of blue State bailout. That is wrong, wrong, wrong.

Teachers are going to get pink slips in Texas, Kentucky, South Carolina, and Florida, and they aren't going to believe that saving their jobs is a blue State bailout. Of the 42 States and Territories covered by Secure Rural Schools, less than a handful are blue States.

The virus has absolutely no interest in political parties. It might hit Democratic States first, but it is now sweeping many parts of the country, including States that voted for Donald Trump.

Despite being small and rural and, generally, relatively remote, county governments that rely on Secure Rural Schools and payment in lieu of taxes are responding to the same national public health crisis facing larger cities and urban areas. This economic crisis is hitting everybody.

I don't want to see hundreds of thousands of teachers laid off anywhere—not in Oregon, not in Iowa, not in Texas, not in Kentucky. Especially when it is safe for kids to go back to school in person, I don't want them packed into classrooms with 40 or 50 other students. I don't want first responders to be laid off in the middle of a pandemic.

I don't want our Nation's roads and highways to crumble into even worse disrepair because the Congress failed to address the nationwide budget crisis. The Senate has an obligation to act.

I am now going to yield to the distinguished Democratic leader, and then I will offer a unanimous consent request to actually advance this critically important cause.

Mr. SCHUMER. Mr. President, I thank my good friend from Oregon for his excellent and eloquent words. I want to thank him for being such a leader on this issue and so many others. I thank my colleague from New Hampshire, who will speak after me. I think Senator MENENDEZ is expected here, as well, to say a few words before the unanimous consent request that will be made by my colleague from Oregon.

We are a long way off from beating COVID–19. Our communities need Federal relief as soon as possible. The disease continues to spread in an alarming rate across much of the South and West, and our country is facing probably the greatest economic challenge since the Great Depression.

Yet, for over 2 months, the Republican Senate has chosen to delay, delay, delay. First, Leader MCCONNELL said another COVID relief bill was ''likely'' in June. Now, the earliest it could happen is late July, and, even then, the Republican leader said he wants to ''assess the conditions in the country'' first before writing a bill ''in his office.''

I will make two points. The conditions in the country are terrible. You don't need to wait to assess them. We must act now. Second, if the leader thinks writing a bill in his office will produce results, I ask him to look at COVID 2, 3, and 3.5, where, in each case, he wrote a bill in his office without Democratic input. We insisted that we be included by not going forward, and we got a much better bill. We hope that is what he will do from the outset—work with us in a bipartisan way and work with the House, as well, to get something done.

The time for waiting and the time for partisan posturing is over. We are on the precipice of several deadlines that require immediate action from Congress. There are several cliffs, but perhaps the most dangerous is the cliff for State and local governments, so many of which are finalizing their budget before the new fiscal year on July 1, in 2 days.

State, local, and Tribal governments have already laid off more than 1.6 million workers and are being forced to cut critical services. At least 25 States have lost a minimum of 20,000 jobs. Apropos to the point my colleague from

Oregon made, there are 25,000 State and local jobs in Florida. What are we saying to them? There are 29,000 in Kentucky. What are we saying to them? There are 93,000 in Texas. What are we saying to them?

These are not abstract numbers. They are teachers and firefighters and busdrivers and healthcare workers and more. It includes so many public health workers essential to contact tracing so we can lick this disease once and for all. Without Federal support, those job losses will continue, and the loss of vital services will continue as well.

So far, the Senate Republican response to this potential crisis has been a giant shrug of the shoulders. Leader MCCONNELL had once said that he would certainly be in favor of allowing the States to use the bankruptcy route. That is the Republican leader telling States, red and blue alike, why don't you go bankrupt.

That is not acceptable to Senate Democrats. So tonight I am joining Senators WYDEN, MENENDEZ, HASSAN, CARPER, GILLIBRAND, and MURPHY to ask the Senate's consent to pass emergency Federal funding so that State, local, and Tribal governments can keep fighting the pandemic and keep their communities safe.

Lest people think this is a blue issue or a red issue, I ask unanimous consent that the following letter be printed in the RECORD:

There being no objection, the material was ordered to be printed in the RECORD as follows:

NATIONAL GOVERNORS ASSOCIATION,
June 29, 2020.

Hon. MITCH MCCONNELL,
Majority Leader, U.S. Senate, Washington, DC.
Hon. CHUCK SCHUMER,
Minority Leader, U.S. Senate, Washington, DC.

DEAR MAJORITY LEADER MCCONNELL AND MINORITY LEADER SCHUMER: We write today to advocate on behalf of states, territories, counties, cities and towns, all of which are experiencing historic budget shortfalls as they continue to respond to the pandemic. In less than two days, the budget years for 45 states and thousands of local governments will begin. Unlike the federal government, these state and local governments must begin their fiscal years on time and with a balanced budget. If the Senate fails to act immediately to support state and local governments, our nation's recovery from the pandemic-induced recession will suffer and millions of Americans will needlessly be harmed.

Previous federal bills responding to COVID–19 provided important support, many through well-established grant programs, yet none allow for the replacement of billions of lost revenue due to COVID–19. More robust and direct stimulus is needed for state and local governments to both rebuild the economy and maintain essential services in education, health care, emergency operations, public safety and more.

As we move closer to the end of the budget year, furloughs and job cuts are on the table for many states and localities. These jobs losses not only affect the provision of government services, but also add to state unemployment. The damage will get far worse without federal assistance, forcing drastic cuts that will further delay and cancel infrastructure projects, as at least 26 states have announced construction delays for transportation projects. The loss of such projects will ripple through states' construction industry, delaying recovery further.

State and local governments also purchase goods and services which add to the nation's output, and in 2019, state and local governments' purchases accounted for 11 percent of GDP. When these activities slow down, there is an effect on the nation's economy. Alarmingly, CBO's June letter on its forecast of Gross Domestic Product for 2020 and 2021 found that ''state and local governments' purchases of goods and services fell by $350 billion, making up 9 percent of the total decline in GDP.

Nearly 15 million Americans are employed by state and local governments. Teachers, first responders and emergency medical service workers are on the front lines of this crisis doing the essential work of the country. Government employment continues to suffer substantial losses with over 1.6 million state and local government jobs lost since March.

Leaders in Washington have expressed support for flexible fiscal aid to states and localities of all sizes. Yet months have gone by and our communities continue to suffer. Americans have a history of standing together in times of crisis and must do so now.

Sincerely,

Accelerate Indiana Municipalities; ACT, Inc.; AECOM; Alabama League of Municipalities; Alaska Municipal League; Alkermes; American Association of Port Authorities; American Beverage Association; American Federation of State, County and Municipal Employees; American Federation of Teachers; American Gas Association; American Hotel & Lodging Association; American Network of Community Options and Resources (ANCOR); American Planning Association; American Public Human Services Association; American Public Power Association; American Public Works Association (APWA); American Shore & Beach Preservation Association; American Society of Civil Engineers; AmeriHealth.

Caritas; Anthem; Arizona Association of Counties; Arkansas Municipal League; Arthritis Foundation; Association of County Commissioners of Georgia; Association of Arkansas Counties; Association of County Commissions of Alabama; Association of Financial Guaranty Insurers; Association of Indiana Counties; Association of Minnesota Counties; Association of Oregon Counties; Association of Washington Cities; Axxess; BrightSpring; Health Services California; Marine Affairs & Navigation Conference (CMANC); California State Association of Counties; Center for Public Safety Management.

Central Gulf Coast Chapter of the American Shore & Beach Preservation Association; CGI Communications, Inc.; Coast Builders Coalition; Colorado Municipal League; CompTIA—Computing Technology Industry Association; Connecticut Conference of Municipalities; County Commissioners Association of Ohio; County Commissioners Association of Pennsylvania; County Commissioners Association of West Virginia; County Executives of America; Credit Union National Association (CUNA); Data Center Coalition; Delaware League of Local Governments; Dexcom; Esri, Inc.; Florida Association of Counties; Florida League of Cities; Florida Shore & Beach Preservation Association; Georgia Municipal Association.

GIIA; GoRail; Government Finance Officers Association; Great Lakes Dredge & Dock; IBM; Illinois Municipal League; Illinois State Association of Counties; Institute for Building Technology and Safety; International Association of Emergency Managers; International City/County Management Association; International Municipal Lawyers Association, Inc.; Internet Association; Intuit Inc.; Iowa League of Cities; Iowa State Association of Counties; ITC Holdings Inc.; Jersey Shore Partnership; Johnson & Johnson; Kansas Association of Counties; Kentucky Association of Counties.

Land O'Lakes Inc.; Large Public Power Council; League of Arizona Cities and Towns; League of California Cities; League of Kansas Municipalities; League of Minnesota Cities; League of Nebraska Municipalities; League of Oregon Cities; League of Wisconsin Municipalities; Louisiana Municipal Association; Magna; Maine Municipal Association; Maryland Association of Counties; Maryland Municipal League; Massachusetts Coastal Coalition; Massachusetts Municipal Association; Michigan Association of Counties; Michigan Municipal League; Mississippi Association of Supervisors; Mississippi Municipal League.

Motorola Solutions, Inc.; Municipal Association of South Carolina; NACBHDD and NARMH; National Association for County Community and Economic Development; National Association for Home Care & Hospice; National Association of Black County Officials (NABCO); National Association of Bond Lawyers; National Association of County Collectors, Treasurers & Finance Officers (NACCTFO); National Association of Counties; National Association of County Engineers; National Association of County Human Services Administrators; National Association of Home Builders; National Association of Regional Councils; National Association of State Auditors, Comptrollers and Treasurers; National Association of State Procurement Officials (NASPO); National Association of State Treasurers; National Association of Towns and Townships; National Community Development Association.

National Conference of State Legislatures; National Governors Association; National Emergency Management Association; National League of Cities; National Marine Manufacturers Association; National Organization of Black County Officials, Inc (NOBCO); National Workforce Association; Nebraska Association of County Officials; Netsmart; Nevada Association of Counties; New Jersey Association of Counties; New Jersey State League of Municipalities; New Mexico Counties; New York State Association of Counties; New York State Conference of Mayors and Municipal Officials; NIC; North Carolina League of Municipalities; North Dakota Association of Counties; North Dakota League of Cities; NWEA; Ohio Municipal League.

Oklahoma Municipal League; PACENation; Partnership for Medicaid Home-Based Care; Pennsylvania Municipal League; Police Jury Association of Louisiana; Port of Walla Walla; ResCare Workforce Services; Rhode Island League of Cities and Towns; Service Employees International Union (SEIU); Siemens; Sourcewell; South Dakota Municipal League; Southern California Edison; Teachers Insurance and Annuity Association of America (TIAA); TechNet; Tennessee County Services Association; Tennessee Municipal League; Texas Association of Counties; Texas Municipal League; The Coca-Cola Company; The Community Outcomes Fund at Maycomb Capital.

The Council of State Governments; The Design-Build Institute of America; The United States Conference of Mayors; three+one; Thrive Skilled Pediatric Care; U.S. Tire Manufacturers Association (USTMA); U.S. Water Alliance; United Counties Council of Illinois; Utah League of Cities and Towns; Vermont League of Cities and Towns; Virginia Association of Counties; Virginia Municipal League; Washington

City/County Management Association (WCMA); Washington State Association of Counties; West Virginia Association of Counties; West Virginia Municipal League; Wisconsin Counties Association; Wisconsin County Highway Association; Wyoming Association of Municipalities; Wyoming County Commissioners Association.

Mr. SCHUMER. This letter is from the ''Big 7'' national associations. They represent the Governors, Democrat and Republican; the mayors, Democrat and Republican; the State legislatures, Democrat and Republican; the county leaders, Democrat and Republican; and the city managers. They all got together in a bipartisan way, as this Chamber should do, and wrote the Senate a letter pleading—pleading—for Federal support and warning of the dire consequences of the delay.

Let me read a passage from their letter to Leader MCCONNELL and myself, with a copy to all Republican and Democratic Senators. There are many organizations from red States signing this letter. This is what they wrote:

> Previous federal bills responding to COVID–19 provided important support . . . yet none allow for the replacement of billions of lost revenue due to the COVID–19. More robust and direct stimulus is needed for state and local governments to both rebuild the economy and maintain essential services in education, healthcare, emergency operations, public safety and more . . . . Months have gone by and our communities continue to suffer. Americans have a history of standing together in a time of crisis and must do so now.

Let me repeat those words for every Member of this Chamber to hear: ''Americans have a history of standing together in a time of crisis and must do so now.''

I urge my colleagues—and, particularly, my Republican colleagues—to listen to those words. These are your States, your cities, your mayors, your counties, and your State governments pleading with you for relief—not in a month, not later this year, but right now.

I hope my Republican friends will listen to their voices—the voices of their constituents and State leaders—and consent tonight to pass Federal support for State, local, and Tribal governments. Blocking it will send a terrible signal to the American people that this Senate—this Republican-led Senate—is unwilling to act with any urgency to pass the relief that our States desperately need.

I now yield to my colleague from New Hampshire, who has been such a strong leader, particularly pointing out how lost revenues hurt governments—big, small, rural, urban, suburban, you name it.

Ms. HASSAN. Mr. President, I thank the distinguished leader, and I thank my colleague from Oregon, Senator WYDEN, for joining in this motion and for making it.

I rise today to join them in calling for urgently needed funding for State and local governments to support our communities as they continue to grapple with the COVID–19 pandemic.

Across our country, State and local governments have been at the forefront of responding to this crisis and providing people and businesses with the support they need. State and local governments also employ millions of essential public employees—including teachers, first responders, and others—who have been working around the clock to help keep the American people safe.

But in the face of these unprecedented circumstances, States and local communities are facing new, mounting costs and a catastrophic loss of revenue. Without additional Federal resources, we will see even more job losses and further economic harm. We must do more to support the American people.

Just last week, Moody's Analytics released a sobering report on what State and local governments are up against. This report indicated that without significant Federal support for State and local governments, 4 million additional people could lose their jobs.

Throughout this crisis, we have worked together to try to save American jobs. Why, then, would we now sit and do nothing for the people who make our communities run?

States and cities employ essential workers who have been on the frontlines of this crisis. We need these workers now more than ever. We should support the important work they are doing, not leave their jobs at risk.

In addition to job cuts, without additional support, State and local governments may also need to cut programs and services that the American people depend on. Forcing States to slash education, infrastructure, and public health budgets, among others, would be deeply harmful at any time, but in the middle of a pandemic and the recession it has helped create, the ripple effect of those cuts would be even more staggering. Already, States and cities are cutting or delaying fixing sewer lines or roads and delaying putting out critical contracts to bid, with a ripple effect felt throughout the economy.

It doesn't have to be this way. Senate Democrats are focused on providing significant economic relief for State and local governments across the country. This would mitigate the job losses and further economic damage that we are seeing as a result of this crisis.

I urge my Republican colleagues to work with us to deliver this necessary relief and ensure that States have the flexibility to use this funding to backfill lost revenue and preserve jobs.

The recent spike in cases in many States reinforces that the public health threat remains extremely serious. Our economy will be feeling the effects of this pandemic for years to come.

State and local governments need our strong support to help save lives and strengthen our economy, and they need it right now. Blocking this relief will only make a dire economic situation even worse. That is the last thing the American people need.

I join Senator WYDEN and my colleagues in moving this UC request.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I rise today to join my colleagues to stress the urgency for Congress to provide robust, flexible assistance to State and local governments on the frontlines of the COVID–19 pandemic.

Because this administration has failed to devise and deploy a national response to a national emergency, the burden of containing and defeating the virus has largely fallen on our States, our counties, and our municipalities. They are expending enormous resources to expand testing, shore up hospitals, process unemployment claims, and get our residents the help they desperately need.

At the same time, revenues have fallen off a cliff due to the economic fallout. Monies collected from sales, property taxes, building permits, court fees, parking meters, transit fares—you name it—are all down.

I served at every level of government in New Jersey—the school board, mayor, State legislature. I know exactly what they are going through. It isn't about any irresponsibility on their part. It is the consequences of a national pandemic. We didn't ask for 14,000 of our citizens in New Jersey to die. We didn't ask for nearly 180,000 New Jerseyans to ultimately be infected. But that is our reality. And that is not only our reality. There are other States similarly situated.

Unlike the Federal Government, virtually all State and local governments are constitutionally obligated—constitutionally obligated—to pass a balanced budget. Forty-five States have a June 30 deadline. That is tomorrow. Others are fast approaching.

This isn't a blue State or red State issue. This isn't about pensions, as some have tried to suggest. This is a red, white, and blue issue. It is an American issue. This virus doesn't see political boundaries. This isn't an issue of fiscal responsibility. No one—no one—is immune. We see it across the Nation, huge spikes taking place in Florida, in Texas, in Arizona, and others.

Earlier today, the bipartisan National Governors Association, the National League of Cities, the National Association of Counties, the U.S. Conference Mayors, the National Conference of State Legislatures, the Council of State Governments, and the International City/County Management Association sent a joint letter to Senate leadership. I have been a part of some of those organizations at different times. I have never seen them all come together on any given issue. They came together on this one.

Over 170 businesses and organizations signed on, all unified with a clear message that, if we fail to provide our States and communities with immediate assistance, we will only hamper

our Nation's ability to fully recover, and Americans will needlessly suffer.

According to the Bureau of Labor Statistics, more than 1.4 million public employees and counting have been laid off or furloughed across the country—over 90,000 in Texas; 65,000 in Ohio; nearly 30,000 in Kentucky; 25,000 both in Colorado and Florida. Every State and community is bleeding.

We are talking about first responders, teachers, nurses, sanitation workers, and other employees on the frontlines of the COVID fight. We need them on the job, not the unemployment line. It would be the height of irony that the result of the pandemic or, more importantly, our government's unwillingness to respond to the challenge of State and municipalities is that those whom we needed the most, those whom we still need the most, those whom we will need the most tomorrow are going to be laid off.

The essential services our residents and businesses rely upon are being slashed left and right. For instance, the National League of Cities reports that more than 700 U.S. cities have halted roadway repairs and delayed equipment purchases to plug local budget holes. We are seeing deep, painful cuts across the board. Moody's projected last week that State budget shortfalls will top $500 billion over the next 3 years.

Now, I have heard some in this body argue that if we just reopen our economy, we would negate the need for Congress to act. Well, that has been proven a fallacy. COVID–19 cases are spiking across the country, especially in those States that were quick to reopen. We are seeing daily records being set in places like Arizona, Florida, Georgia, and Texas, forcing some areas to tighten their restrictions.

Yet, in my home State of New Jersey, which was second only to New York in the number of COVID cases, we have not just flattened the curve; our infection rates are dropping. As we methodically and responsibly reopen, there is no doubt that the emergency protection measures we took in New Jersey helped stop the spread of COVID–19 and save lives, but that progress has come with tremendous economic pain and personal sacrifice that no State and community will be able to escape.

So we can't allow ourselves to be handcuffed to partisan ideology. This isn't about left or right, conservative or progressive politics. I honestly believe that most of our colleagues on the Republican side understand this. Most recognize that forcing States and communities to go bankrupt is not a conservative principle, that the last thing we need during an economic crisis is to send 3 to 4 million public workers to the unemployment line without the ability for them to respond on our collective behalf.

We need bold bipartisan action to address this national crisis. That is why the State Municipal Assistance for Response and Transition Act, or the SMART Act, is the commonsense solution we need to give our communities a fighting chance and to stop the economy from freefall.

I want to thank Senators CASSIDY, HYDE-SMITH, COLLINS, MANCHIN, and BOOKER for joining me in this bipartisan effort, and we are working every day to build more support.

The SMART Act provides $500 billion in flexible Federal funds that will help our communities dramatically expand the testing capacity and contact tracing we need to contain the virus, which is a necessary step to restoring consumer confidence and restarting the economy.

It will help stave off massive layoffs, tax hikes, and deep, painful cuts to essential services. It will keep our EMTs, firefighters, public health workers, teachers, and other essential employees on the job during this critical time—because it is not just about defeating COVID–19. We still need to keep our first responders on the job, our children learning, the trash picked up, the roads maintained, and the buses and trains running on time.

Unless we act soon, we will see more mass layoffs, devastating tax increases, and a breakdown in public safety and essential services. We cannot—in all good conscience—sit back and watch our States, counties, cities, and towns fail. We cannot shift the Federal Government's responsibility and then leave them holding the bag.

We can't turn our backs on the American people. A national emergency requires a national response, and it is this body's sworn duty to act, to send our States and local communities the resources they desperately need to combat COVID–19 and to continue to serve the constituents we have all been elected to represent.

If the safety and security of the American people is job one, this is also safety and security.

I will close with this. I appreciate that there are different points of view, but I really get upset when I hear that States like mine or others somehow want to be bailed out.

I will tell you what—New Jersey would be happy to take the excess money it sends to the Federal Treasury rather than what it gets in return—billions of dollars—and say: We will handle the problem on our own.

We would like to see some of our fellow States here, which receive more money than they contribute to the Federal Treasury, return it. We are not a moocher State; we are a donor State.

So some of my colleagues here should look: They get $20 billion, $30 billion more from the Federal Government than they pay into the Federal Treasury. We in New Jersey pay more than we get.

Now that we are in the midst of a national emergency in which we have thousands of our citizens dying, thousands more still infected, and we did the right thing in order to stop the dying, we should pay a greater consequence because we did the right thing in doing job No. 1: the safety and security of our citizens?

I don't think so.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I thank my colleagues. A number have already given eloquent remarks, and we still have more to come. I know, per the agreement, that it is time to propound the unanimous consent request.

So, with the support of thousands of firefighters, first responders, teachers, county health providers, and thousands more Americans of both political parties with an extraordinary work ethic, I ask unanimous consent that the Senate proceed to the immediate consideration of the State, Local, and Tribal Fiscal Relief and Rural Stability Act, which is at the desk. I further ask that the bill be considered read three times and passed and that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Florida.

Mr. SCOTT of Florida. Mr. President, reserving the right to object, this is clearly a challenging time for every level of government. I think we will all admit that this crisis was unprecedented, and Congress has already taken bold action to stem this virus and save our economy. But if we are not careful, Congress will create another equally devastating crisis down the road—a crisis of our own making.

Our national debt and deficits, already at unsustainable levels, have skyrocketed as Congress has spent almost $3 trillion—$3 trillion—to address this crisis. To put that in perspective, Congress has spent $9,000 for every American.

At some point we need to start thinking about the impact this spending will have on the future of our children and our grandchildren, how we are impacting our ability to fund our military and our safety nets like Social Security, Medicare, and Medicaid.

Again, I know everyone here wants to help our States. I want to help our States, too, which is why I support maintaining the existing restrictions tied to the Coronavirus Relief Fund that were included in the CARES Act to make sure this spending is for coronavirus response.

Congress has already allocated billions in direct and indirect aid to States and localities. Total direct funding from the Federal Government already exceeds $1 trillion. Let me just go through it.

We gave them $150 billion for COVID–19 expenses. To put that in perspective, while I was Governor of Florida, we had four hurricanes. The Federal Government never funded 100 percent of my cost. We are funding 100 percent of the COVID–19 cost.

We have given our State and local governments $500 billion in short-term loans. We have given them $45 billion in FEMA disaster funds, $30 billion in education funds without any information on whether education costs have gone up, $34 billion for mass transit and community grants, $270 billion for CARES Act emergency appropriations, and $50 billion for Medicaid—and as we have all seen with the healthcare costs, Medicaid costs have gone down around the country.

Even this doesn't begin to count another $1.3 trillion in indirect assistance to small businesses, individuals, and increased unemployment benefits to families in all of our States.

We have given $175 billion to our healthcare community. We have given $11 billion to our States to deal with testing.

Now my colleagues want to spend another $1 trillion before the other trillion dollars that was already allocated has even been spent.

I sent a letter this month to all U.S. Governors to get more details on exactly how they are allocating the Federal coronavirus response funds that they have already received. I have heard back only from four States.

Do you think I have heard back from New York? Of course not, and I don't expect to. Why? Because politicians in these liberal States have refused to live within their means for decades, and they want Floridians to backfill their budgets and pay for the incompetency of Governors like Andrew Cuomo.

Andrew Cuomo got elected when I got elected—at the end of 2010, at the end of the financial crisis. I have watched him in my 8 years as Governor. Did he balance his budget? No, he doesn't balance his budget. He keeps borrowing more money year after year.

The Wall Street Journal's editorial board said: ''The policy question is why taxpayers in Florida and other well-managed states should pay higher taxes to rescue an Albany political class that refuses to restrain its tax-and-spend governance.''

New York has increased their spending since 2010 by $43 billion, which is $570,000 per new resident—$570,000 per new resident. They already have a State and local personal income tax rate of 12.7 percent.

I know why they want money: They can't tax their citizens any more. They have already done it. Because of all of their taxes, people keep moving to States like Florida. They have lost $9.6 billion in adjusted gross income to other States just since 2018.

So what these States have done is they don't live within their means, and now they want us to come be responsible for their bad budgets, their pension plans, and things like that.

One of my colleagues brought up this concept that some States are donors. I have been up here 18 months. I have looked at the Federal budget. I haven't seen a dime come from the States. It comes from the taxpayers in those States. Do you know how it comes here? It comes here to pay for things like Social Security and Medicare. Then these citizens get sick and tired of the high taxes in places like New Jersey, New York, Illinois, and California and move to lower tax States and then receive these benefits.

Then people come up here and say: Oh, our government funded governments in other States. No, they don't. The citizens do it, and then they get sick and tired of those high taxes and move.

So we know New York, California, and Illinois have no problem using hard-earned taxpayer dollars to fund their liberal priorities and to backfill their budget shortfalls and solve their longstanding fiscal problems.

It is not fair to the citizens of States like Florida where, over my 8 years as Governor, we made the hard choices that put our State on a financially secure path. Because we made those choices, the Governor of Florida was able to sign a responsible State budget today without having to beg the Federal Government for a bailout. Guess what. There are teacher pay raises in there and increased funding for K–12 education.

American families make responsible budgetary decisions every day. Successful companies make responsible budget decisions every day. Well-meaning States like Florida have done it for years. It is time for New York, Illinois, and California to do the same.

We have to get serious about how we are spending taxpayer money and the fact that this year's Federal budget deficit will be the largest in the history of this country. While it may be tempting to throw money at the problem and then believe that removing the restrictions on funding will satisfy States for a bailout, I am afraid that my colleagues are mistaken.

These funds are still needed for coronavirus response, and unfortunately many States have not been shy about their desire for hundreds of billions of dollars in taxpayer bailouts for their liberal agendas. I am not going to let this happen.

By the way, when you hear about all these letters that come that want more money—I spent 8 years as Governor of Florida. I don't remember one time that somebody came to me and said: Why don't you spend less money? Of course everybody is going to come up here and ask us for more money, more money, more money. It is somebody's money.

I think about this in the context of my seven grandchildren. We cannot saddle them and children like them across the country with mountains of debt—debt that right now stands in excess of $77,000 per American—$77,000 per American.

Do you know what it was in 1976? It was $3 per American. It is $77,000. To take away the same opportunities I had to live the American dream from our children and grandchildren would not only be a political failure, it would be an abdication of our moral responsibility.

It is time to make the hard choices, to put our Nation on a path to recovery—recovery from this virus, from the economic devastations brought with it, and from the fiscal calamity that decades of politicians have ignored. I hope my colleagues will join me in the fight for our future.

I therefore respectfully object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Oregon.

Mr. WYDEN. Mr. President, to make a very brief response—and I know my colleagues have been very patient—I just want to make sure that everybody really put in context the remarks the Senator from Florida made. He is basically saying that if you don't address healthcare now, if you don't address education now, if you don't address roads now, that somehow there aren't going to be any consequences.

There are going to be very real consequences. People are going to be sicker, for example. We are going to spend much more down the road. We have a weakened and smaller economy, and we will have that for an unknown amount of time.

My colleague mentioned his concern about weakened national security. How can a semi-permanently weakened economy not affect national security? Of course it is going to affect national security, and it is going to affect national security badly.

Finally, I will make one additional point, and I know my colleagues will address this as well. My colleague from Florida talks about deficits. I am the ranking Democrat on the Finance Committee, where we sat through my colleagues' tax bill—a bill that he voted for, and he strongly supported it and said it is going to pay for itself; what is to worry about?

Nobody does deficits better than that side of the aisle. Nobody does them better and bigger and in a more irresponsible way.

I wanted to put that in context. I look forward to the remarks of my friend from Connecticut and Nevada.

Mr. SCOTT of Florida. Mr. President, I would like to respond to my colleague before he leaves.

The PRESIDING OFFICER. The Senator from Florida.

Mr. SCOTT of Florida. Mr. President, I wasn't here when the tax bill was done. I cut taxes of over $10 billion. We cut taxes and fees. And what happened is our economy grew. We added 1.7 billion jobs.

Let's go back and look at this. We talk about money. We have given $150 billion for the expenses. We have given loans. We have given FEMA disaster funds. We have given education funds. We have given mass transit funds. We have given emergency appropriations for a variety of different sections. We have given many healthcare dollars for

Medicaid. On top of that, we allocated $175 billion to our healthcare system, and we gave our States $11 billion for testing. It is not like we have been up here and not responding. We have responded.

By the way, the dollars have not all been spent. What we need to do is, let's see what these Governors come back with. I have gotten a response from four Governors so far. Let's look at what they said, and then we can make a responsible decision on how we spend our money going forward.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. MURPHY. Mr. President, let me tell you how the bailout has worked. When COVID hit this country and people were dying from a disease that we didn't have a vaccine for, as emergency rooms all over the country were being overwhelmed, the Federal Government and the Trump administration did nothing. They did nothing. They didn't stand up a national testing program. They didn't stand up a national trace and quarantine system. They didn't let the CDC do their job and issue national guidelines around how to close businesses and schools. They didn't lead proposing legislation before Congress to tackle the costs of this response.

President Trump put in place a feckless travel restriction that still allowed tens of thousands of people to get here from the countries that were infected, and then the Federal Government gave up. It did nothing. It left the entirety of the response to the States.

Here is how the bailout works. The States have bailed out the Federal Government by stepping up to the plate and being primary responders to this epidemic. Hospitals and local public health systems have bailed out the Federal Government, which did nothing to stop this virus. That is how the bailout has worked.

All States are asking for is to help pay for the expense of confronting this virus. If a bailout equals saving lives, then I am for a bailout. Without help from the Federal Government, people are going to die. States that have to balance their Federal budgets are not going to be able to erect the kind of anti-pandemic infrastructure that will save lives.

My colleague from Florida has left, but let's also just be honest about the accounting here. He had a chart up about Florida bailing out New York. If you want to do a deal in which Connecticut and New York and New Jersey get to keep all of the revenue that we send to the Federal Government, that we get a guarantee for every dollar we send to Washington, we get a dollar back, we are all in.

I don't think my friend from Florida would take that deal because every single year, on average, a Connecticut citizen gives $4,000 more to the Federal Government than that Connecticut citizen gets back. The average New York citizen gives on average $1,700 more to the Federal Government than they get back. That is because we are wealthier States.

You know what, while we fight to try to get as much of that revenue back to our State as possible, we understand that because citizens in our States have done a little bit better, we should help pay for the healthcare of people in Florida; we should help pay for the education of poor kids in Florida.

We grouse about the amount of taxes we pay, but we understand the deal in which, because we have done a little bit better, we are going to help States that need a little bit more help. But on an average year, the average Florida recipient gets $2,700 more in Federal assistance than they give. That sounds like a bailout—on an annual basis, repeating year after year.

What we are asking here is for some help to save lives. We are not asking to give out surplus checks to our constituents; we are asking for help to keep people alive all throughout this country. States and municipalities are the ones that are conducting the response because the Trump administration has refused to do it, and it is an expensive response.

If you want to keep people alive, then you have to help us pay for that expense. You have to help us pay for that expense. Our revenues are cratering as the economy has been shut down. Our expenses are spiraling as we have been left holding the bag. When that happens, you can only do two things if you are a State that has to balance your budget, as Connecticut is, every year. We can either raise taxes—think about that: raising taxes in the middle of an economy in meltdown—or we can lay people off.

Already across this country, 1.5 million State and local workers have been laid off, and there are more to come. Many of them will be in the public health field—the very people who we need to be able to identify where the virus exists, trace the contacts, and quarantine people to keep others safe. Those are the people who are going to be laid off.

It becomes this downward spiral in which, as the Federal Government refuses to help States pay for the virus response and the States can no longer effectively stand up a response effort, the virus wins. That is one of the reasons you are seeing the virus spread in places like Florida or Texas—because we don't have the infrastructure in place. The Trump administration refused to build it, and now we are refusing to help States build it.

It has been 45 days since the House passed their legislation helping States to keep people alive. I was on this floor as my Republican colleagues were literally jumping from their seats when Senate Democrats were insisting that we take an extra day or two to pass the CARES Act, to get it right—jumping out of their seats with a sense of urgency.

The virus is back on the march again. The economy is in worse shape today than it was in March. It has been 45 days since the House sent us legislation to keep people alive, and we have done nothing.

My colleagues, I want to leave you with just one picture—really two pictures side by side for my State. Just ask yourself after thinking about this, visualizing this, if this is really the world you want to choose to live in through your inaction.

We have our share of billionaires in Connecticut. They are important to us. They pay a decent amount of taxes. They contribute philanthropically. But they have done very well over the course of the pandemic. A survey just came out that showed that over half of those who count themselves as billionaires in Connecticut had dramatically increased their net worth since this pandemic began. In fact, of all the billionaires in Connecticut, they had increased their total wealth by about $2 billion—$2 billion. That is driven in part by a stock market that has priced in all of the Trump administration's support for corporations. It is because of a stock market that has also priced in the mass extinction of lots of small businesses that will accrue to the benefit of those corporations.

I want you to think about the richest Americans over the course of the last several months having seen their nest egg grow—grow. They can afford more. They can pass down more wealth to their children, even with 20 percent of Americans unemployed.

Put that next to this visual. Jen Sherman lives in my State and has a 14-year-old named Gavin. He is a special education student with a host of learning challenges. He hasn't been in school since March. He needs school because at school are his professionals—his counselors, his therapists. School is where his routine is.

Jen says: My kid is falling apart in front of my eyes. It is making me physically ill watching him be out of school for going on for 4 months. He is just deteriorating on me. His mental health is concerning. It is the unknown. He has so many questions we can't answer.

Jen is getting ready to send Gavin, who is already broken down, back to school. As she is readying to send him back to school, school districts across the State of Connecticut are talking about laying off the very professionals who will help Gavin get back to that routine.

Surveys suggest that if we don't pass another emergency response package for States, 10 percent of teachers could be laid off. You know who is going to come first. It is going to be those paraprofessionals. It will be those counselors who build support services around the most vulnerable kids.

As corporations and billionaires have done better and better, kids like Gavin—low-income families across this country, the masses of the unemployed—are suffering and will not be able to get back to normal unless we beat this virus. We can't beat it if we

don't help States and municipalities with the work that needs to be done.

It has been some 45 days since we watched the House pass legislation that could save lives and allow us to stand up a true national effort to beat this virus once and for all. I would plead to my colleagues to not go home for a 2-week vacation without passing legislation to help us stand up a State and local response to COVID–19.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Ms. CORTEZ MASTO. Mr. President, along with my colleague, I am astounded that we have gone this long without any type of relief for our State and local governments that are suffering right now. The last time this Chamber passed legislation to address the coronavirus pandemic was April 21, 2020. That was over 2 months ago.

I can tell you, I know, Mr. President and all of my colleagues, you are hearing from your constituents in your States. I am hearing from my constituents. I have heard from thousands of Nevadans who find themselves lying awake at night trying to figure out how to pay the rent, feed their kids, and take care of family members at elevated risk from COVID–19.

People in the Silver State want to know what more the Federal Government is doing to help them, and rightly so, but they do not want to hear us on the floor of the Senate Chamber identifying and arguing that liberal States should not get some sort of relief right now.

I just heard my colleague from Florida identifying that liberal States shouldn't get funding. What is a liberal State? How do we define that? Does that mean it is a Democratic State or a Republican State because I can tell you—you have seen it and I have seen it—we have all seen letters from our Governors across this country in a bipartisan way—letters signed by Democratic Governors and Republican Governors asking for relief and support from this Congress. It is not just the Governors; it is the mayors; it is the county chairmen, the county commissioners.

I will tell you, there are some beautiful places in my State, and we are Nevadans. Whether you are a Republican or you are a Democrat, every single one of my mayors I have talked to, every single one of the county commissioners and the county chairmen, along with my Governor—we come from beautiful, diverse backgrounds—they are looking for additional support. We can't put a pause on it now. We can't wait.

I don't understand why we have been waiting since April. In April, State and local governments laid off 1 million workers across the country and froze or cut the salaries of thousands more. In April, in my home State of Nevada, unemployment was skyrocketing to 28 percent, the highest in the Nation. That is nearly one in three Nevadans without a job. Let me put that in comparison. The highest national unemployment rate America ever recorded during the Great Depression was 25.6 percent.

On May 25, the House voted for the comprehensive Heroes Act to support State, local, and Tribal governments, to bolster health systems, to provide further stimulus payments, to help frontline workers, and strengthen this Nation's economy. At that time, we as Senators could have rolled up our sleeves right then and worked to find common ground with the House so we could provide help and assistance to so many people across this country.

Unfortunately, on May 26, our majority leader told reporters that the Senate would probably—we would probably pass more legislation. Now it is the end of June, and we have no legislation from the Senate on the greatest crisis facing this Nation since World War II, even though we are hearing constantly from our constituents and from our States.

Meanwhile, we are suffering. I can tell you, Nevadans are suffering like almost every other State in the country.

Nevada has to balance its budget on July 1, just a few days from now. Forty-six States have similar budgets they have to balance. Unlike the Federal Government, States can't borrow to make up for shortfalls. Every State in this country is collecting less in taxes than it usually would, and every State in the country faces unprecedented and unforeseen expenses because of this pandemic.

In my State, the Governor has estimated there will be a $1.3 billion budget shortfall. Las Vegas alone is facing a drop in revenue of over $100 million. The city of Reno expects a $30 million hole in its budget. These are real dollars that are going to come out of essential services. State, local, and Tribal governments are absolutely on the frontlines of this health crisis.

The Senate must join the House in passing this vital legislation to give assistance to so many in need right now across this country.

We heard from my colleagues that States and localities have to pay EMTs, police, firefighters, healthcare providers—those essential people who are on the frontlines dealing with this healthcare crisis. According to a study by the National League of Cities, half the cities in the country expect that budget shortfall will affect public safety.

State and local governments also fund schools and teachers. In the middle of this pandemic, they have to figure out ways to deliver online education to students who don't have computers or internet and work to support parents trying to help their kids learn. They are having to figure out how to feed kids in the next school year under inflexible nutrition program rules.

Meanwhile, with these added challenges in Nevada, we are having to consider cutting $125 million from higher education and $100 million from elementary and secondary education. In Nevada, like so many other places, this is all going on against the backdrop of tremendous economic pain. We have 300,000 people in the Silver State claiming unemployment insurance and thousands of those still waiting to receive their benefits.

This economic shock continues. People are going to start losing their homes or be evicted from their apartments if we don't do something to address it now. Nevada was already facing tremendous affordable housing crisis. We need urgent solutions to prevent this wave of dislocations and homelessness.

And equally urgent is the help needed for our small businesses. I was just on a call earlier today with the executive directors of the chambers throughout our State. I can guarantee you, I am not alone. In your State and all of our States, our small businesses are scrambling to find new business models and new sources of revenue. Many of these businesses are the heart of our communities, and if they go under permanently, cities and towns will suffer as well.

Our frontline medical workers—the true heroes—continue to need support. As cases climb in Nevada, they are working tirelessly to save lives and prevent complications, and they need our support.

Our frontline medical workers and our States also rely on Medicaid so that other people who are also struggling financially can still get critical healthcare when they need it. In Nevada, nearly 45,000 people are newly reliant on this safety net coverage.

Without additional resources to cover the costs associated with their coverage, the State will be forced to cut payments to the doctors who serve them, and this is in a State that already has one of the country's lowest rates of doctors per capita. Almost three out of four Nevada providers are worried about the financial viability of their practices in the face of the current crisis.

When we talk about funding State and local governments, we cannot forget our Tribal governments. They don't collect taxes. They are barred from doing so. Yet they rely on businesses to fund services. With Nevada's economy so hard hit, our Tribal communities need another source of funding, and they need support. This is while many of the Tribes in my State are still in lockdown, still trying to get access to sufficient COVID–19 testing and PPE and even key data. The CARES Act funding wasn't even released to Tribal governments across the country for 60 days, and the Senate majority leader still thinks things aren't urgent? It is just wrong.

The Senate must move urgently to strengthen the very institutions across this country that are delivering essential service to Americans. It is just a basic necessity.

I understand that many of my colleagues want to make sure we spend Federal funds wisely, and I want that, too, but the way to achieve this is for all of us to start working now. Nevadans need us to take action. The American people need us to take action. I ask Leader MCCONNELL to take up and pass the Heroes Act or convene on the floor of the Senate or in our committees real bipartisan discussions so we can pass the next economic stimulus package.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. I am honored to follow the Senator from Nevada who knows so well the importance of public service and public servants.

One of the reasons why we are here is because many of those public servants doing such great service for our communities will be laid off or furloughed to the detriment of their communities and their States. As the Senator knows in Nevada, and I know in Connecticut, what is necessary for them to continue their work is, in fact, the Heroes Act.

We have been talking a lot about the frontline workers, the heroes, like first responders, police, firefighters, the doctors and nurses, the grocery checkers, the delivery people far and wide, high and low. They have been doing great work. Many of them are going to be directly affected if we fail to pass the Heroes Act. Many of them and their work will be for naught if we fail to support the Heroes Act and enable State and local government to continue to employ them and support them.

I have been traveling across the State of Connecticut over these last 2½ months. What I have found is unparalleled hardship and heartbreak.

Yesterday, I visited a small business, a restaurant in Norwalk called No Leftovers, offering Caribbean food. It has been in business for 3 years. Its owner has received no Paycheck Protection Program funding, and it is hanging by a thread. That story is repeated again and again and again.

One of the reasons he is so fearful about the future is that zoning in Norwalk has been delayed because people are not at work. What happens to Norwalk and its Zoning and Land Use Department if there is no money to pay for it? That story writ large is about the future of America and the American dream that No Leftovers and small businesses like his exemplify, and it is a Black-owned business. The tragedy of the Black-owned businesses going under is one of the unwritten stories of this pandemic. Forty-one percent have failed during this pandemic—often through no fault of those business owners—because they face this economic crisis, and they face the loss of service if State and local governments, in effect, have to cut their workforces and their services to those businesses. This is not only Black-owned but businesses owned across the board by all Americans and employing Americans.

Small businesses, as we know, no matter who owns them, are the major job creators today in the United States. There are linkages here, as I have been hearing. I go around the State talking to those business owners—not only the big contractors, the defense providers, like Sikorsky and Pratt & Whitney, but their supply chain. Those small- and medium-sized businesses will be disastrously affected by a failure to keep faith, move forward, and pass the Heroes Act.

Those frontline workers deserve the Heroes Fund—hazardous duty pay up to $25,000, retroactive to the beginning of this national emergency. Again, recognizing public service, not only rewarding it but also retaining and recruiting more of them.

State and local governments depend on those frontline workers whom we talk so glowingly about. Now is our chance to put the money where our mouth is, and we have not only a moral obligation, we have an economic duty and a patriotic duty as we go into July 4.

Finally, let me just say—and I said it last week—that the U.S. Senate is about to leave town for 2 weeks, wanting America to believe that we have done our job. The fact is, we will have failed to have done our job unless we will have acted on the Heroes Act. Failing to act on the Heroes Act is an abrogation of our duty. We cannot go back and talk about the spirit of the Fourth of July and about the resilience and resoluteness of the Founders if we cannot be sufficiently determined to do our job here.

That aid to State and local governments is not a matter of convenience or luxury; it is a necessity for us to finance the public health departments that conduct testing and contact tracing as well as those economic development departments and land use departments, health, firefighting, policing, teaching. These are the core functions of our government, and there will be layoffs—massive layoffs—across the country if we fail to do our job.

I have been reading a book called ''The Great Influenza'' by John Barry. One of the lessons of that pandemic is that the failure to tell the truth is itself a failure that can lead to disaster. It can spawn fear and even terror. It can lead to complacency and inaction.

The failure to tell the truth is all too common these days with regard to this pandemic. The numbers tell, with much greater accuracy, the story of this pandemic than what we have been hearing from the White House. Yet now we have an obligation to make sure the truth is told, and that means facing the obligation to act. The way we can act is on the Heroes Act. The way we can tell the truth is to squarely lay before the American people what the challenges are and what the costs will be if we fail to act.

The other great lesson of that book is of the failure by local health departments and by local leaders to command the resources and devote them to fighting the pandemic itself. This contributed to it. We need to learn the lessons of history. They are sometimes so simple and powerful that we look the other way.

Before we leave town, let us look squarely at the Heroes Act and do the right thing—pass it and make sure that America moves forward to conquer this public health emergency and economic crisis that has been made all the more severe by the unfinished business of this country in dealing with racism and discrimination. We have that opportunity. The July 4 holiday should not be a time off; it ought to be a time on for us to do the right thing, and it is on us.

I yield the floor.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Foreign Relations.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 3:02 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 51. An act to provide for the admission of the State of Washington, D.C. into the Union.

H.R. 3094. An act to designate the National Pulse Memorial located at 1912 South Orange Avenue, Orlando, Florida, 32806, and for other purposes.

H.R. 7036. An act to amend the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 to repeal the sunset provision.

H.R. 7120. An act to hold law enforcement accountable for misconduct in court, improve transparency through data collection, and reform police training and policies.

H.R. 7259. An act to allow acceleration certificates awarded under the Patents for Humanity Program to be transferable.

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 38. Concurrent resolution to establish the Joint Congressional Committee on Inaugural Ceremonies for the inauguration of the President-elect and Vice President-elect of the United States on January 20, 2021.

The message further announced that the House of Representatives having

proceeded to reconsider the resolution (H.J. Res. 76) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Education relating to ''Borrower Defense Institutional Accountability'', returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was resolved, that the said resolution do not pass, two-thirds of the House of Representatives not agreeing to pass the same.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3094. An act to designate the National Pulse Memorial located at 1912 South Orange Avenue, Orlando, Florida, 32806, and for other purposes; to the Committee on Energy and Natural Resources.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 7036. An act to amend the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 to repeal the sunset provision.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 7259. An act to allow acceleration certificates awarded under the Patents for Humanity Program to be transferable.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GRAHAM, from the Committee on the Judiciary, without amendment:

S. 685. A bill to amend the Inspector General Act of 1978 relative to the powers of the Department of Justice Inspector General.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GRASSLEY (for himself and Mr. WYDEN):

S. 4091. A bill to amend section 1113 of the Social Security Act to provide authority for fiscal year 2020 for increased payments for temporary assistance to United States citizens returned from foreign countries, and for other purposes; considered and passed.

By Ms. MCSALLY:

S. 4092. A bill to amend title 10, United States Code, to improve veterinary care for retired military working dogs and to prohibit charge for adoption of military animals, and for other purposes; to the Committee on Armed Services.

By Ms. SMITH:

S. 4093. A bill to amend the Public Health Service Act to provide for the establishment or operation of a center to be known as the Emergency Mental Health and Substance Use Training and Technical Assistance Center; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BLUMENTHAL (for himself and Mrs. SHAHEEN):

S. 4094. A bill to prohibit the procurement by the Director of the Defense Logistics Agency of certain items containing a perfluoroalkyl substance or polyfluoroalkyl substance; to the Committee on Armed Services .

By Mr. WYDEN (for himself, Mr. BLUMENTHAL, Ms. HIRONO, Mr. SCHUMER, Mrs. GILLIBRAND, Mr. MARKEY, Mr. SANDERS, Mr. BROWN, Ms. HARRIS, Mr. BOOKER, Mr. MERKLEY, Mr. MENENDEZ, Ms. KLOBUCHAR, Mr. DURBIN, Ms. BALDWIN, Ms. SMITH, Mr. VAN HOLLEN, Mr. BENNET, Ms. ROSEN, Mrs. MURRAY, Mr. CARDIN, Ms. WARREN, Mr. UDALL, Mr. REED, Mr. SCHATZ, Mr. HEINRICH, and Ms. DUCKWORTH):

S. 4095. A bill to provide emergency benefits for broadband service during periods relating to COVID–19, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. JOHNSON (for himself, Mr. PETERS, Mrs. CAPITO, Mr. LANKFORD, Mr. INHOFE, and Mr. CARPER):

S. 4096. A bill to extend the Chemical Facility Anti-Terrorism Standards Program of the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. WARREN (for herself, Mr. BROWN, Mr. DURBIN, Mr. MARKEY, Mr. BLUMENTHAL, Mr. SANDERS, Ms. SMITH, Mr. MERKLEY, Mr. WYDEN, Mrs. GILLIBRAND, Ms. DUCKWORTH, Ms. HIRONO, Mr. LEAHY, Mr. CARDIN, Ms. KLOBUCHAR, Ms. HARRIS, and Mr. SCHUMER):

S. 4097. A bill to provide a temporary moratorium on eviction filings, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MENENDEZ (for himself, Mr. BROWN, Mr. VAN HOLLEN, Ms. SINEMA, Ms. SMITH, Mr. BOOKER, Ms. ROSEN, Ms. WARREN, Mr. SANDERS, Ms. KLOBUCHAR, Mr. BLUMENTHAL, Mr. WYDEN, Mr. COONS, Mrs. FEINSTEIN, Ms. HIRONO, Ms. CORTEZ MASTO, Mr. TESTER, and Mr. WARNER):

S. 4098. A bill to provide funding for the Neighborhood Reinvestment Corporation Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. CORTEZ MASTO (for herself, Ms. ROSEN, and Mr. COONS):

S. 4099. A bill to require the approval of Congress before explosive nuclear testing may be resumed; to the Committee on Armed Services.

By Mr. MURPHY (for himself, Ms. HASSAN, and Mr. VAN HOLLEN):

S. 4100. A bill to support children with disabilities during the COVID–19 pandemic; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 685

At the request of Mr. LEE, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Delaware (Mr. COONS) were added as cosponsors of S. 685, a bill to amend the Inspector General Act of 1978 relative to the powers of the Department of Justice Inspector General.

S. 1333

At the request of Mr. CARPER, the name of the Senator from Indiana (Mr. BRAUN) was added as a cosponsor of S. 1333, a bill to amend the Improper Payments Elimination and Recovery Improvement Act of 2012, including making changes to the Do Not Pay Initiative, for improved detection, prevention, and recovery of improper payments to deceased individuals, and for other purposes.

S. 2267

At the request of Ms. CORTEZ MASTO, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 2267, a bill for the relief of Cesar Carlos Silva Rodriguez.

S. 2579

At the request of Ms. HIRONO, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 2579, a bill to direct the Director of the Office of Science and Technology Policy to carry out programs and activities to ensure that Federal science agencies and institutions of higher education receiving Federal research and development funding are fully engaging their entire talent pool, and for other purposes.

S. 3174

At the request of Mr. BROWN, the name of the Senator from Maryland (Mr. VAN HOLLEN) was added as a cosponsor of S. 3174, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the sale and marketing of tobacco products, and for other purposes.

S. 3264

At the request of Mr. UDALL, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 3264, a bill to expedite and streamline the deployment of affordable broadband service on Tribal land, and for other purposes.

S. 3719

At the request of Ms. HARRIS, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3719, a bill to amend the Food and Nutrition Act of 2008 to require that supplemental nutrition assistance program benefits be calculated using the value of the low-cost food plan, and for other purposes.

S. 3790

At the request of Mr. WYDEN, his name was added as a cosponsor of S. 3790, a bill to provide reimbursements for certain costs of health care items and services, including prescription drugs, furnished during the public health emergency declared with respect to COVID–19.

S. 3865

At the request of Mr. PORTMAN, the name of the Senator from Illinois (Ms. DUCKWORTH) was added as a cosponsor of S. 3865, a bill to provide for the treatment of certain criminal violations under the paycheck protection program, and for other purposes.

S. 3868

At the request of Ms. KLOBUCHAR, the name of the Senator from Maine (Ms.

COLLINS) was added as a cosponsor of S. 3868, a bill to require the Secretary of Defense and the Secretary of Veterans Affairs to evaluate members of the Armed Forces and veterans who have tested positive for a virus certified as a pandemic for potential exposure to open burn pits and toxic airborne chemicals or other airborne contaminants, to conduct a study on the impact of such a pandemic on members and veterans with such exposure, and for other purposes.

S. 3885

At the request of Mr. BROWN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 3885, a bill to direct the Secretary of Veterans Affairs to notify Congress regularly of reported cases of burn pit exposure by veterans, and for other purposes.

S. 3899

At the request of Mr. TESTER, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 3899, a bill to direct the Secretary of Veterans Affairs to carry out a retraining assistance program for unemployed veterans, and for other purposes.

S. 3933

At the request of Mr. CORNYN, the names of the Senator from Arizona (Ms. MCSALLY), the Senator from Delaware (Mr. COONS), the Senator from Maine (Ms. COLLINS) and the Senator from Tennessee (Mrs. BLACKBURN) were added as cosponsors of S. 3933, a bill to restore American leadership in semiconductor manufacturing by increasing federal incentives in order to enable advanced research and development, secure the supply chain, and ensure long-term national security and economic competitiveness.

S. 3997

At the request of Mr. PORTMAN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 3997, a bill to strengthen the security and integrity of the United States scientific and research enterprise.

S. 4001

At the request of Mr. SCOTT of South Carolina, the names of the Senator from North Dakota (Mr. CRAMER) and the Senator from New Jersey (Mr. BOOKER) were added as cosponsors of S. 4001, a bill to amend title IX of the Social Security Act to improve emergency unemployment relief for governmental entities and nonprofit organizations.

S. 4048

At the request of Ms. HARRIS, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Minnesota (Ms. SMITH) were added as cosponsors of S. 4048, a bill to modify the deadlines for completing the 2020 decennial census of population and related tabulations, and for other purposes.

S. 4068

At the request of Mr. BLUMENTHAL, the name of the Senator from New Hampshire (Ms. HASSAN) was added as a cosponsor of S. 4068, a bill to prohibit firearms dealers from selling a firearm prior to the completion of a background check.

S. RES. 372

At the request of Mr. UDALL, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. Res. 372, a resolution expressing the sense of the Senate that the Federal Government should establish a national goal of conserving at least 30 percent of the land and ocean of the United States by 2030.

AMENDMENT NO. 1689

At the request of Mr. BLUMENTHAL, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from California (Ms. HARRIS) were added as cosponsors of amendment No. 1689 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1690

At the request of Mr. BLUMENTHAL, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from Hawaii (Ms. HIRONO) were added as cosponsors of amendment No. 1690 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1691

At the request of Mr. BLUMENTHAL, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of amendment No. 1691 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1692

At the request of Ms. HIRONO, the names of the Senator from Alaska (Ms. MURKOWSKI), the Senator from New Jersey (Mr. BOOKER), the Senator from California (Ms. HARRIS), the Senator from Nevada (Ms. ROSEN) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of amendment No. 1692 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1728

At the request of Mrs. SHAHEEN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of amendment No. 1728 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1729

At the request of Mrs. SHAHEEN, the names of the Senator from Wisconsin (Ms. BALDWIN), the Senator from Colorado (Mr. BENNET), the Senator from New Hampshire (Ms. HASSAN), the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Michigan (Mr. PETERS) were added as cosponsors of amendment No. 1729 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1732

At the request of Mrs. SHAHEEN, the names of the Senator from Wisconsin (Ms. BALDWIN), the Senator from Colorado (Mr. BENNET), the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from California (Ms. HARRIS), the Senator from New Hampshire (Ms. HASSAN), the Senator from Hawaii (Ms. HIRONO), the Senator from Alaska (Ms. MURKOWSKI) and the Senator from South Dakota (Mr. ROUNDS) were added as cosponsors of amendment No. 1732 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1733

At the request of Mrs. SHAHEEN, the names of the Senator from Wisconsin (Ms. BALDWIN), the Senator from Colorado (Mr. BENNET), the Senator from Hawaii (Ms. HIRONO) and the Senator from Michigan (Mr. PETERS) were added as cosponsors of amendment No. 1733 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1755

At the request of Mrs. GILLIBRAND, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Hawaii (Ms. HIRONO), the Senator from Nevada (Ms. ROSEN), the Senator

from Alaska (Ms. MURKOWSKI), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Ohio (Mr. BROWN), the Senator from Nevada (Ms. CORTEZ MASTO), the Senator from Michigan (Ms. STABENOW) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of amendment No. 1755 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1762

At the request of Mr. MURPHY, the names of the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Hawaii (Ms. HIRONO) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of amendment No. 1762 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1765

At the request of Mr. HOEVEN, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of amendment No. 1765 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1769

At the request of Mr. SCHATZ, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of amendment No. 1769 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1770

At the request of Mr. SCHATZ, the names of the Senator from Indiana (Mr. YOUNG) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of amendment No. 1770 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1772

At the request of Mr. SCHATZ, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of amendment No. 1772 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1774

At the request of Mr. BLUMENTHAL, the name of the Senator from California (Ms. HARRIS) was added as a cosponsor of amendment No. 1774 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1775

At the request of Mr. BLUMENTHAL, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of amendment No. 1775 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1776

At the request of Mr. BLUMENTHAL, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of amendment No. 1776 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1777

At the request of Mr. BLUMENTHAL, the names of the Senator from Wisconsin (Ms. BALDWIN), the Senator from Montana (Mr. TESTER) and the Senator from Hawaii (Ms. HIRONO) were added as cosponsors of amendment No. 1777 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1793

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of amendment No. 1793 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1795

At the request of Mr. DURBIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of amendment No. 1795 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1798

At the request of Mr. JONES, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of amendment No. 1798 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1800

At the request of Mr. WARNER, the names of the Senator from Arkansas (Mr. BOOZMAN) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of amendment No. 1800 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1801

At the request of Mr. WARNER, the names of the Senator from Alaska (Mr. SULLIVAN) and the Senator from North Carolina (Mr. TILLIS) were added as cosponsors of amendment No. 1801 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1824

At the request of Mr. LANKFORD, the name of the Senator from Arizona (Ms. SINEMA) was added as a cosponsor of amendment No. 1824 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1825

At the request of Mr. LANKFORD, the name of the Senator from Wisconsin (Mr. JOHNSON) was added as a cosponsor of amendment No. 1825 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1844

At the request of Mrs. FEINSTEIN, the names of the Senator from California (Ms. HARRIS) and the Senator from Massachusetts (Ms. WARREN) were added as cosponsors of amendment No. 1844 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1859

At the request of Ms. WARREN, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from California (Ms. HARRIS) were added as cosponsors of amendment No. 1859 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1868

At the request of Mr. REED, the name of the Senator from Nevada (Ms. CORTEZ MASTO) was added as a cosponsor of amendment No. 1868 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1870

At the request of Mr. REED, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 1870 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1881

At the request of Mrs. HYDE-SMITH, the name of the Senator from Alabama (Mr. JONES) was added as a cosponsor of amendment No. 1881 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1889

At the request of Mr. PORTMAN, the names of the Senator from Michigan (Mr. PETERS), the Senator from Alabama (Mr. JONES), the Senator from Michigan (Ms. STABENOW) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of amendment No. 1889 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1931

At the request of Mrs. SHAHEEN, the names of the Senator from Wisconsin (Ms. BALDWIN), the Senator from California (Ms. HARRIS), the Senator from Hawaii (Ms. HIRONO), the Senator from Michigan (Mr. PETERS) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of amendment No. 1931 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1932

At the request of Mrs. GILLIBRAND, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from California (Ms. HARRIS) were added as cosponsors of amendment No. 1932 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1940

At the request of Ms. ROSEN, the name of the Senator from Illinois (Ms. DUCKWORTH) was added as a cosponsor of amendment No. 1940 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1941

At the request of Ms. KLOBUCHAR, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 1941 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1962

At the request of Ms. STABENOW, the name of the Senator from Nevada (Ms. ROSEN) was added as a cosponsor of amendment No. 1962 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1966

At the request of Mr. TESTER, the names of the Senator from Michigan (Ms. STABENOW), the Senator from Iowa (Ms. ERNST) and the Senator from Alabama (Mr. JONES) were added as cosponsors of amendment No. 1966 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1968

At the request of Mr. TESTER, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of amendment No. 1968 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1969

At the request of Mr. TESTER, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of amendment No. 1969 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1971

At the request of Mr. TESTER, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of amendment No. 1971 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1972

At the request of Mr. TESTER, the names of the Senator from Washington

(Mrs. MURRAY), the Senator from California (Ms. HARRIS), the Senator from Hawaii (Ms. HIRONO), the Senator from New York (Mrs. GILLIBRAND), the Senator from Illinois (Mr. DURBIN), the Senator from Washington (Ms. CANTWELL), the Senator from West Virginia (Mr. MANCHIN), the Senator from New Mexico (Mr. UDALL), the Senator from Vermont (Mr. SANDERS), the Senator from Maryland (Mr. VAN HOLLEN), the Senator from Oregon (Mr. MERKLEY), the Senator from Pennsylvania (Mr. CASEY), the Senator from Michigan (Mr. PETERS), the Senator from New Mexico (Mr. HEINRICH), the Senator from Illinois (Ms. DUCKWORTH), the Senator from Vermont (Mr. LEAHY) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of amendment No. 1972 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1979

At the request of Ms. CANTWELL, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of amendment No. 1979 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1980

At the request of Ms. CANTWELL, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of amendment No. 1980 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2010

At the request of Mr. TILLIS, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 2010 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2014

At the request of Ms. MURKOWSKI, the names of the Senator from North Dakota (Mr. CRAMER), the Senator from Montana (Mr. DAINES), the Senator from West Virginia (Mrs. CAPITO), the Senator from Idaho (Mr. CRAPO) and the Senator from Alabama (Mr. JONES) were added as cosponsors of amendment No. 2014 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2020

At the request of Mr. SULLIVAN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of amendment No. 2020 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2029

At the request of Mr. RISCH, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of amendment No. 2029 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2033

At the request of Mrs. HYDE-SMITH, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 2033 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2055

At the request of Mr. DURBIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of amendment No. 2055 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2057

At the request of Mr. BROWN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of amendment No. 2057 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2062

At the request of Mr. GARDNER, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of amendment No. 2062 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2086

At the request of Mr. CORNYN, the names of the Senator from Virginia (Mr. WARNER) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of amendment No. 2086 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2087

At the request of Mr. CORNYN, the names of the Senator from Virginia (Mr. WARNER) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of amendment No. 2087 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2099

At the request of Mr. CORNYN, the names of the Senator from Virginia (Mr. WARNER) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of amendment No. 2099 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2100

At the request of Mr. CORNYN, the names of the Senator from Virginia (Mr. WARNER) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of amendment No. 2100 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2101

At the request of Mr. CORNYN, the names of the Senator from Virginia (Mr. WARNER) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of amendment No. 2101 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2112

At the request of Ms. BALDWIN, the names of the Senator from Michigan (Ms. STABENOW), the Senator from New Jersey (Mr. BOOKER), the Senator from Nevada (Ms. ROSEN) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of amendment No. 2112 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2127

At the request of Mr. SULLIVAN, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of amendment No. 2127 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2131

At the request of Ms. MCSALLY, the name of the Senator from Louisiana (Mr. CASSIDY) was added as a cosponsor of amendment No. 2131 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2136

At the request of Mr. CRUZ, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of amendment No. 2136 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2139

At the request of Mr. CRUZ, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 2139 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2147

At the request of Mr. SULLIVAN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of amendment No. 2147 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2166

At the request of Mr. INHOFE, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of amendment No. 2166 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2168

At the request of Mr. DURBIN, the names of the Senator from Michigan (Mr. PETERS), the Senator from Maine (Ms. COLLINS) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of amendment No. 2168 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2169

At the request of Mr. DURBIN, the names of the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from New Jersey (Mr. BOOKER) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of amendment No. 2169 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2176

At the request of Mr. LANKFORD, the names of the Senator from New Hampshire (Ms. HASSAN) and the Senator from Indiana (Mr. BRAUN) were added as cosponsors of amendment No. 2176 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2189

At the request of Ms. CORTEZ MASTO, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of amendment No. 2189 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2195

At the request of Mr. JOHNSON, the name of the Senator from New Hampshire (Ms. HASSAN) was added as a cosponsor of amendment No. 2195 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2201

At the request of Mr. CRUZ, the names of the Senator from Virginia (Mr. KAINE) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of amendment No. 2201 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2214. Mr. KING submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 2215. Mr. KING (for himself and Mr. SASSE) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2216. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2217. Mrs. FEINSTEIN (for herself, Mr. CORNYN, Mr. BLUMENTHAL, Ms. ROSEN, Ms. HARRIS, and Mr. MARKEY) submitted an amendment intended to be proposed by her to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2218. Mr. TESTER (for himself, Mr. YOUNG, and Mr. MURPHY) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2219. Mr. WARNER (for himself, Mr. BENNET, Ms. HARRIS, Mr. KING, Mr. HEINRICH,

Mr. WYDEN, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2220. Mr. HEINRICH (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2221. Mr. HEINRICH submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2222. Mr. HEINRICH submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2223. Mr. HEINRICH submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2224. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2225. Mr. RUBIO (for himself, Mr. WARNER, Mr. BURR, Mr. CORNYN, Mr. BENNET, Mr. SASSE, and Mr. COTTON) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2226. Mr. RUBIO (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2227. Mr. PERDUE (for himself and Mrs. LOEFFLER) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2228. Mr. MORAN submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2229. Mr. CRAPO (for himself, Mrs. SHAHEEN, and Mr. RISCH) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2230. Mr. RISCH (for himself, Ms. CORTEZ MASTO, Mr. KENNEDY, Ms. ROSEN, and Mrs. CAPITO) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2231. Mrs. FISCHER (for herself, Mr. SCHATZ, Mr. GARDNER, and Mr. BOOKER) submitted an amendment intended to be proposed by her to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2232. Ms. McSALLY (for herself, Mr. CORNYN, and Mr. CASSIDY) submitted an amendment intended to be proposed by her to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2233. Mr. LANKFORD (for himself, Mr. ENZI, Ms. HASSAN, and Ms. SINEMA) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2234. Mr. ROUNDS submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2235. Mr. ROUNDS submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2236. Ms. McSALLY submitted an amendment intended to be proposed by her to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2237. Ms. McSALLY submitted an amendment intended to be proposed by her to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2238. Mr. RISCH (for himself and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2239. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2240. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2241. Mr. GARDNER submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2242. Mr. GARDNER (for himself and Mr. PETERS) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2243. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2244. Mr. CORNYN (for himself, Mr. COTTON, Mr. SCHUMER, Mr. WARNER, Ms. COLLINS, Mr. TILLIS, Mrs. BLACKBURN, Mr. HAWLEY, Mr. DAINES, Mr. KING, Mrs. GILLIBRAND, Mr. RUBIO, and Ms. SINEMA) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2245. Mr. CORNYN (for himself, Mr. COTTON, Mr. SCHUMER, Mr. WARNER, Ms. COLLINS, Mr. TILLIS, Mrs. BLACKBURN, Mr. HAWLEY, Mr. DAINES, Mrs. GILLIBRAND, Mr. KING, Mr. JONES, Ms. SINEMA, and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2246. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2247. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2248. Mr. INHOFE (for himself and Mr. REED) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2249. Mr. WARNER (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2250. Mr. SCHUMER (for Mr. MERKLEY) submitted an amendment intended to be proposed by Mr. Schumer to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2251. Mr. SCHUMER (for Mr. MERKLEY (for himself, Mr. CORNYN, Mr. CARDIN, Mr. GARDNER, Mr. LEAHY, Mr. WICKER, and Mr. SCOTT of Florida)) submitted an amendment intended to be proposed by Mr. Schumer to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2252. Mr. SCHATZ (for himself, Ms. MURKOWSKI, Ms. HARRIS, and Mr. PAUL) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2253. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2254. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2255. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2256. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2257. Mr. BROWN (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2258. Mr. BROWN (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2259. Mr. BROWN (for himself, Mr. DURBIN, Ms. HASSAN, and Ms. WARREN) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2260. Ms. ERNST submitted an amendment intended to be proposed by her to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2261. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2262. Mr. CASSIDY (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2263. Mr. CASSIDY submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2264. Mr. CASSIDY submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2265. Mr. CASSIDY submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2266. Mr. CASSIDY submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2267. Ms. ROSEN (for herself and Mr. DAINES) submitted an amendment intended to be proposed by her to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2268. Ms. HIRONO (for herself and Mr. SULLIVAN) submitted an amendment intended to be proposed by her to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2269. Ms. HIRONO (for herself and Mr. SULLIVAN) submitted an amendment intended to be proposed by her to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2270. Mr. MENENDEZ (for himself, Mr. RUBIO, and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2271. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2272. Mr. KAINE submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2273. Mr. PETERS submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2274. Mr. PETERS submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2275. Mr. PETERS (for himself, Mr. JOHNSON, Mr. KING, and Mr. SASSE) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2276. Mr. THUNE (for Mr. TOOMEY (for himself and Mr. JONES)) submitted an amendment intended to be proposed by Mr. Thune to the bill S. 4049, supra; which was ordered to lie on the table .

SA 2277. Mr. THUNE (for Mr. TOOMEY (for himself and Mr. VAN HOLLEN)) submitted an amendment intended to be proposed by

Mr. Thune to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2278. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2279. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2280. Mr. LEE (for himself and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2281. Mr. HOEVEN (for himself, Mr. UDALL, Mr. BARRASSO, Ms. MURKOWSKI, Ms. MCSALLY, Mr. TESTER, Mr. SCHATZ, Mr. CRAMER, Ms. SMITH, and Mr. DAINES) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2282. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2283. Ms. COLLINS (for herself, Mr. HEINRICH, and Ms. SMITH) submitted an amendment intended to be proposed by her to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2284. Mr. SASSE (for himself, Mr. SCOTT of South Carolina, Mr. COTTON, and Mr. SCOTT of Florida) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2285. Mr. SASSE submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2286. Mr. SASSE submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2287. Mr. SASSE submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2288. Mr. SASSE submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2289. Mr. SASSE submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2290. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2291. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2292. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2293. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2294. Mr. MURPHY submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2295. Ms. KLOBUCHAR (for herself and Mr. CORNYN) submitted an amendment intended to be proposed by her to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2296. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2297. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2298. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2299. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2300. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2301. Mr. INHOFE proposed an amendment to the bill S. 4049, supra.

SA 2302. Mr. CRAPO submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2303. Ms. MCSALLY submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2304. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2305. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2306. Mr. DAINES submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2307. Mrs. LOEFFLER submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2308. Mr. CRUZ (for himself, Ms. SINEMA, Mr. WICKER, Ms. CANTWELL, Mr. KAINE, Mr. CORNYN, and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2309. Ms. BALDWIN submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2310. Mrs. LOEFFLER submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2311. Mr. CASSIDY submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2312. Mr. INHOFE (for himself and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2313. Ms. CORTEZ MASTO (for herself, Ms. ROSEN, Mr. HEINRICH, Mr. MANCHIN, and Mr. COONS) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2314. Ms. CORTEZ MASTO (for herself and Ms. ROSEN) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2315. Mr. UDALL submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2316. Mr. UDALL submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2317. Ms. HARRIS submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2318. Ms. HARRIS submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2319. Ms. KLOBUCHAR (for herself, Mr. TILLIS, and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2320. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2321. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2322. Mr. DURBIN (for himself, Mr. BROWN, Ms. WARREN, and Ms. HASSAN) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2323. Mr. DURBIN (for himself, Mr. BROWN, Ms. WARREN, and Ms. HASSAN) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2324. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2325. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2214. Mr. KING submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the title X, add the following:

Subtitle __—National Cybersecurity Certification and Labeling

SEC. __01. DEFINITIONS.

In this subtitle:

(1) ACCREDITED CERTIFYING AGENT.—The term ''accredited certifying agent'' means any person who is accredited by the National Cybersecurity Certification and Labeling Authority as a certifying agent for the purposes of certifying a specific class of critical information and communications technology.

(2) CERTIFICATION.—The term ''certification'' means a seal or symbol provided by the National Cybersecurity Certification and Labeling Authority or an accredited certifying agent, that results from passage of a comprehensive evaluation of an information and communications technology that establishes the extent to which a particular design and implementation meets a set of specified security standards.

(3) CRITICAL INFORMATION AND COMMUNICATIONS TECHNOLOGY.—The term ''critical information and communications technology'' means information and communications

technology that is in use in critical infrastructure sectors and that underpins national critical functions as determined by the Secretary of Homeland Security.

(4) LABEL.—The term ''label'' means a clear, visual, and easy to understand symbol or list that conveys specific information about a product's security attributes, characteristics, functionality, components, or other features

SEC. __02. NATIONAL CYBERSECURITY CERTIFICATION AND LABELING AUTHORITY AND PROGRAM.

(a) ESTABLISHMENT.—There is established a National Cybersecurity Certification and Labeling Authority (hereinafter referred to as the ''Authority'') for the purpose of administering a voluntary program, which the Authority shall establish, for the certification and labeling of critical information and communications technologies.

(b) ACCREDITATION OF CERTIFYING AGENTS.—As part of the program established and administered under subsection (a), the Authority shall define and publish a process whereby nongovernmental entities may apply to become accredited agents for the certification of specific critical information and communications technologies.

(c) IDENTIFICATION OF STANDARDS, FRAMEWORKS, AND BENCHMARKS.—As part of the program established and administered under subsection (a), the Authority shall work in close coordination with the Secretary of Commerce, the Secretary of Homeland Security, and subject matter experts from the Federal Government, academia, nongovernmental organizations, and the private sector to identify and harmonize common security standards, frameworks, and benchmarks against which the security of critical information and communications technologies may be measured.

(d) PRODUCT CERTIFICATION.—As part of the program established and administered under subsection (a), the Authority, in consultation with the Secretary of Commerce, the Secretary of Homeland Security, and other experts from the Federal Government, academia, nongovernmental organizations, and the private sector, shall—

(1) develop, and disseminate to accredited certifying agents, guidelines to standardize the presentation of certifications to communicate the level of security for critical information and communications technologies;

(2) develop, or permit agents accredited under subsection (b) to develop, certification criteria for critical information and communications technologies based on identified security standards, frameworks, and benchmarks, through the work conducted pursuant to subsection (c);

(3) issue, or permit agents accredited under subsection (b) to issue, certifications for products and services that meet and comply with security standards, frameworks, and benchmarks the standards, frameworks, and benchmarks identified under subsection (c);

(4) permit a manufacturer or distributor of a critical information and communication technology to display a certificate reflecting the extent to which the covered product meets the standards, frameworks, and benchmarks identified under subsection (c);

(5) remove the certification of a critical information and communication technology as a critical information and communication technology certified under the program if the manufacturer of the certified critical information and communication technology falls out of conformity with the standards, frameworks, and benchmarks identified under subsection (c);

(6) work to enhance public awareness of the Authority's certificates and labeling, including through public outreach, education, research and development, and other means; and

(7) publicly display a list of certified critical information and communication technology, along with their respective certification information.

(e) CERTIFICATIONS.—

(1) IN GENERAL.—Certifications issued under the program established and administered under subsection (a) shall remain valid for one year from the date of issuance.

(2) CLASSES OF CERTIFICATION.—In identifying and harmonizing the standards, frameworks, and benchmarks under subsection (c), the Authority shall designate at least three classes of certifications, including—

(A) for products and services that product manufacturers and service providers of critical information and communications attest meet the criteria for certification under the program established and administered under subsection (a), attestation-based certification;

(B) for products that have undergone a security evaluation and testing process by a qualifying third party, accreditation-based certification; and

(C) for products that have undergone a security evaluation and testing process by a qualifying third party, test-based certification.

(f) PRODUCT LABELING.—The Authority, in consultation with the Secretary of Commerce, the Secretary of Homeland Security, and other experts from the Federal Government, academia, nongovernmental organizations, and the private sector, shall—

(1) collaborate with the private sector to standardize language and define a labeling schema to provide transparent information on the security characteristics and constituent components of a software or hardware product that includes critical information and communication technology; and

(2) establish a mechanism by which product developers can provide this information for both product labeling and public posting.

(g) ENFORCEMENT.—

(1) PROHIBITION.—It shall be unlawful for a person—

(A) to falsely attested to, or falsify an audit or test for, a security standard, framework, or benchmark for certification;

(B) to intentionally mislabel a product; or

(C) to failed to maintain a security standard, framework, or benchmark to which the person has attested for a security standard, framework, or benchmark for certification.

(2) ENFORCEMENT BY FEDERAL TRADE COMMISSION.—

(A) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—A violation of paragraph (1) shall be treated as an unfair and deceptive act or practice in violation of a regulation under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)) regarding unfair or deceptive acts or practices.

(B) POWERS OF COMMISSION.—

(i) IN GENERAL.—The Federal Trade Commission shall enforce this subsection in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this subsection.

(ii) PRIVILEGES AND IMMUNITIES.—Any person who violates this subsection shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

SEC. __03. SELECTION OF THE AUTHORITY.

(a) SELECTION.—The Secretary of Commerce, in coordination with the Secretary of Homeland Security, shall issue a notice of funding opportunity and select, on a competitive basis, a nonprofit, nongovernmental organization to serve as the National Cybersecurity Certification and Labeling Authority (in this section referred to as the ''Authority'') for period of five years.

(b) ELIGIBILITY FOR SELECTION.—The Secretary of Commerce may only select an organization to serve as the Authority if such organization—

(1) is a nongovernmental, not-for-profit that is—

(A) exempt from taxation under section 501(a) of the Internal Revenue Code of 1986; and

(B) described in sections 501(c)(3) and 170(b)(1)(A)(vi) of that Code;

(2) has a demonstrable track record of work on cybersecurity and information security standards, frameworks, and benchmarks; and

(3) possesses requisite staffing and expertise, with demonstrable prior experience in technology security or safety standards, frameworks, and benchmarks, as well as certification.

(c) APPLICATION.—The Secretary shall establish a process by which a nonprofit, nongovernmental organization that seeks to be selected as the Authority may apply for consideration.

(d) PROGRAM EVALUATION.—Not later than the date that is four years after the initial selection pursuant subsection (a), and every four years thereafter, the Secretary of Commerce, in consultation with the Secretary of Homeland Security, shall—

(1) assess the effectiveness of the labels and certificates produced by the Authority, including—

(A) assessing the costs to businesses that manufacture critical information and communication technologies participating in the Authority's program;

(B) evaluating the level of participation in the Authority's program by businesses that manufacture critical information and communication technologies; and

(C) assessing the level of public awareness and consumer awareness of the labels under the Authority's program;

(2) audit the impartiality and fairness of the activities of the Authority;

(3) issue a public report on the assessment most recently carried out under paragraph (1) and the audit most recently carried out under paragraph (2); and

(4) brief Congress on the findings of the Secretary of Commerce with respect to the most recent assessment under paragraph (1) and the most recent audit under paragraph (2).

(e) RENEWAL.—After the initial selection pursuant to subsection (a), the Secretary of Commerce, in consultation with the Secretary of Homeland Security, shall, every five years—

(1) accept applications from nonprofit, nongovernmental organizations seeking selection as the Authority; and

(2) following competitive consideration of all applications—

(A) renew the selection of the existing Authority; or

(B) select another applicant organization to serve as the Authority.

SEC. __04. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this subtitle. Such funds shall remain available until expended.

SA 2215. Mr. KING (for himself and Mr. SASSE) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy,

to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. CISA DIRECTOR.

Subchapter II of chapter 53 of title 5, United States Code, is amended—

(1) in section 5313, by inserting after the item relating to ''Administrator of the Transportation Security Administration'' the following:
''Director, Cybersecurity and Infrastructure Security Agency.''; and

(2) in section 5314, by striking the item relating to ''Director, Cybersecurity and Infrastructure Security Agency.''.

SEC. ____. AGENCY REVIEW.

(a) REQUIREMENT OF COMPREHENSIVE REVIEW.—In order to strengthen the Cybersecurity and Infrastructure Security Agency, the Secretary of Homeland Security shall conduct a comprehensive review of the ability of the Cybersecurity and Infrastructure Security Agency to fulfill—

(1) the missions of the Cybersecurity and Infrastructure Security Agency; and

(2) the recommendations detailed in the report issued by the Cyberspace Solarium Commission under section 1652(k) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232).

(b) ELEMENTS OF REVIEW.—The review conducted under subsection (a) shall include the following elements:

(1) An assessment of how additional budget resources could be used by the Cybersecurity and Infrastructure Security Agency for projects and programs that—

(A) support the national risk management mission;

(B) support public and private-sector cybersecurity;

(C) promote public-private integration; and

(D) provide situational awareness of cybersecurity threats.

(2) A comprehensive force structure assessment of the Cybersecurity and Infrastructure Security Agency including—

(A) a determination of the appropriate size and composition of personnel to accomplish the mission of the Cybersecurity and Infrastructure Security Agency, as well as the recommendations detailed in the report issued by the Cyberspace Solarium Commission under section 1652(k) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232);

(B) an assessment of whether existing personnel are appropriately matched to the prioritization of threats in the cyber domain and risks in critical infrastructure;

(C) an assessment of whether the Cybersecurity and Infrastructure Security Agency has the appropriate personnel and resources to—

(i) perform risk assessments, threat hunting, incident response to support both private and public cybersecurity;

(ii) carry out the responsibilities of the Cybersecurity and Infrastructure Security Agency related to the security of Federal information and Federal information systems; and

(iii) carry out the critical infrastructure responsibilities of the Cybersecurity and Infrastructure Security Agency, including national risk management; and

(D) an assessment of whether current structure, personnel, and resources of regional field offices are sufficient in fulfilling agency responsibilities and mission requirements.

(c) SUBMISSION OF REVIEW.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report to Congress detailing the results of the assessments required under subsection (b), including recommendations to address any identified gaps.

SEC. ____. GENERAL SERVICES ADMINISTRATION REVIEW.

(a) REVIEW.—The Administrator of the General Services Administration shall—

(1) conduct a review of current Cybersecurity and Infrastructure Security Agency facilities and assess the suitability of such facilities to fully support current and projected mission requirements nationally and regionally; and

(2) make recommendations regarding resources needed to procure or build a new facility or augment existing facilities to ensure sufficient size and accommodations to fully support current and projected mission requirements, including the integration of personnel from the private sector and other departments and agencies.

(b) SUBMISSION OF REVIEW.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the General Services Administration shall submit the review required under subsection (a) to—

(1) the President;

(2) the Secretary of Homeland Security; and

(3) to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.

SA 2216. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XII, add the following:

SEC. 1262. SENSE OF SENATE ON SECURITY COOPERATION WITH JAPAN AND AUSTRALIA.

It is the sense of the Senate that it should be the policy of the United States to continue to develop security cooperation efforts with the Government of Japan and the Government of Australia and strengthen military engagement in the Indo-Pacific region by—

(1) developing a regular trilateral exercise for amphibious operations among the United States, Japan, and Australia;

(2) conducting frequent submarine and anti-submarine warfare exercises;

(3) taking advantage of opportunities to build trilateral humanitarian assistance and disaster response operational expertise;

(4) cooperating on development of next-generation platforms;

(5) exploring opportunities to share, develop, and leverage logistics and distribution capabilities throughout the Indo-Pacific region; and

(6) encouraging annual leader-level meetings.

SA 2217. Mrs. FEINSTEIN (for herself, Mr. CORNYN, Mr. BLUMENTHAL, Ms. ROSEN, Ms. HARRIS, and Mr. MARKEY) submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 752. STUDY ON THE INCIDENCE OF CANCER DIAGNOSIS AND MORTALITY AMONG MILITARY AVIATORS AND AVIATION SUPPORT PERSONNEL.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Defense, in conjunction with the National Institutes of Health and the National Cancer Institute, shall conduct a study on cancer among covered individuals in two phases as provided in this subsection.

(2) PHASE 1.—

(A) IN GENERAL.—Under the initial phase of the study conducted under paragraph (1), the Secretary of Defense shall determine if there is a higher incidence of cancers occurring for covered individuals as compared to similar age groups in the general population through the use of the database of the Surveillance, Epidemiology, and End Results program of the National Cancer Institute.

(B) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report on the findings of the initial phase of the study under subparagraph (A).

(3) PHASE 2.—

(A) IN GENERAL.—If, pursuant to the initial phase of the study under paragraph (2), the Secretary concludes that there is an increased rate of cancers among covered individuals, the Secretary shall conduct a second phase of the study under which the Secretary shall do the following:

(i) Identify the carcinogenic toxins or hazardous materials associated with military flight operations from shipboard or land bases or facilities, such as fuels, fumes, and other liquids.

(ii) Identify the operating environments, including frequencies or electromagnetic fields, where exposure to ionizing radiation (associated with high altitude flight) and nonionizing radiation (associated with airborne, ground, and shipboard radars) occurred in which covered individuals could have received increased radiation amounts.

(iii) Identify, for each covered individual, duty stations, dates of service, aircraft flown, and additional duties (including Landing Safety Officer, Catapult and Arresting Gear Officer, Air Liaison Officer, Tactical Air Control Party, or personnel associated with aircraft maintenance, supply, logistics, fuels, or transportation) that could have increased the risk of cancer for such covered individual.

(iv) Determine locations where a covered individual served or additional duties of a covered individual that are associated with higher incidences of cancers.

(v) Identify potential exposures due to service in the Armed Forces that are not related to aviation, such as exposure to burn pits or toxins in contaminated water, embedded in the soil, or inside bases or housing.

(vi) Determine the appropriate age to begin screening covered individuals for cancer based on race, gender, flying hours, period of service as aviation support personnel, Armed Force, type of aircraft, and mission.

(B) DATA.—The Secretary shall format all data included in the study conducted under this paragraph in accordance with the Surveillance, Epidemiology, and End Results program of the National Cancer Institute, including by disaggregating such data by race, gender, and age.

(C) REPORT.—Not later than one year after the submittal of the report under paragraph (2)(B), if the Secretary conducts the second phase of the study under this paragraph, the Secretary shall submit to the appropriate committees of Congress a report on the findings of the study conducted under this paragraph.

(4) USE OF DATA FROM PREVIOUS STUDIES.—In conducting the study under this subsection, the Secretary of Defense shall incorporate data from previous studies conducted by the Air Force, the Navy, or the Marine Corps that are relevant to the study under this subsection, including data from the comprehensive study conducted by the Air Force identifying each covered individual and documenting the cancers, dates of diagnoses, and mortality of each covered individual.

(b) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEE OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services and the Committee on Veterans' Affairs of the Senate; and

(B) the Committee on Armed Services and the Committee on Veterans' Affairs of the House of Representatives.

(2) ARMED FORCES.—The term ''Armed Forces''—

(A) has the meaning given the term ''armed forces'' in section 101 of title 10, United States Code; and

(B) includes the reserve components named in section 10101 of such title.

(3) COVERED INDIVIDUAL.—The term ''covered individual''—

(A) means an aviator or aviation support personnel who—

(i) served in the Armed Forces on or after February 28, 1961; and

(ii) receives benefits under chapter 55 of title 10, United States Code; and

(B) includes any air crew member of fixed-wing aircraft and personnel supporting generation of the aircraft, including pilots, navigators, weapons systems operators, aircraft system operators, personnel associated with aircraft maintenance, supply, logistics, fuels, or transportation, and any other crew member who regularly flies in an aircraft or is required to complete the mission of the aircraft.

SA 2218. Mr. TESTER (for himself, Mr. YOUNG, and Mr. MURPHY) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. ___. EXPANSION OF ELIGIBILITY FOR HUD–VASH.

(a) HUD PROVISIONS.—Section 8(o)(19) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(19)) is amended by adding at the end the following new subparagraph:

''(D) VETERAN DEFINED.—In this paragraph, the term 'veteran' has the meaning given that term in section 2002(b) of title 38, United States Code.''.

(b) VHA CASE MANAGERS.—Subsection (b) of section 2003 of title 38, United States Code, is amended—

(1) by inserting ''(1)'' before ''The Secretary''; and

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

''(2) In the case of vouchers provided under the HUD–VASH program under section 8(o)(19) of such Act, for purposes of paragraph (1), the term 'veteran' shall have the meaning given such term in section 2002(b) of this title.''.

(c) ANNUAL REPORTS ON HOMELESSNESS SERVICES PROVIDED BY DEPARTMENT OF VETERANS AFFAIRS.—

(1) IN GENERAL.—Not less frequently than once each year, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the homelessness services provided under programs of the Department of Veterans Affairs, including services under the HUD–VASH program under section 8(o)(19) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(19)).

(2) INCLUDED INFORMATION.—Each such annual report shall include, with respect to the year preceding the submittal of the report, a statement of the number of eligible individuals who were furnished such homelessness services and the number of individuals furnished such services under each such program, disaggregated by the number of men who received such services and the number of women who received such services, and such other information as the Secretary considers appropriate

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SA 2219. Mr. WARNER (for himself, Mr. BENNET, Ms. HARRIS, Mr. KING, Mr. HEINRICH, Mr. WYDEN, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the following:

SEC. _____. DUTY TO REPORT COUNTERINTELLIGENCE THREATS TO CAMPAIGNS.

(a) IN GENERAL.—Section 304 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30104) is amended by adding at the end the following new subsection:

''(j) DISCLOSURE OF REPORTABLE FOREIGN CONTACTS.—

''(1) COMMITTEE OBLIGATION.—Not later than 1 week after a reportable foreign contact, each authorized committee of a candidate for President shall notify the Federal Bureau of Investigation of the reportable foreign contact and provide a summary of the circumstances with respect to such reportable foreign contact.

''(2) INDIVIDUAL OBLIGATION.—Not later than 1 week after a reportable foreign contact—

''(A) each candidate for the office of President shall notify the treasurer or other designated official of the principal campaign committee of such candidate of the reportable foreign contact and provide a summary of the circumstances with respect to such reportable foreign contact; and

''(B) each official, employee, or agent of an authorized committee of a candidate for the office of President shall notify the treasurer or other designated official of the authorized committee of the reportable foreign contact and provide a summary of the circumstances with respect to such reportable foreign contact.

''(3) REPORTABLE FOREIGN CONTACT.—In this subsection:

''(A) IN GENERAL.—The term 'reportable foreign contact' means any direct or indirect contact or communication that—

''(i) is between—

''(I) a candidate for the office of President, an authorized committee of such a candidate, or any official, employee, or agent of such authorized committee; and

''(II) an individual that the person described in subclause (I) knows, has reason to know, or reasonably believes is a covered foreign national; and

''(ii) the person described in clause (i)(I) knows, has reason to know, or reasonably believes involves—

''(I) a contribution, donation, expenditure, disbursement, or solicitation described in section 319; or

''(II) coordination or collaboration with an offer or provision of information or services to or from, or persistent and repeated contact with a covered foreign national in connection with an election.

''(B) EXCEPTION.—Such term shall not include any contact or communication with a covered foreign national by an elected official or an employee of an elected official solely in an official capacity as such an official or employee.

''(C) COVERED FOREIGN NATIONAL DEFINED.—

''(i) IN GENERAL.—In this paragraph, the term 'covered foreign national' means—

''(I) a foreign principal (as defined in section 1(b) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611(b)) that is a government of a foreign country or a foreign political party;

''(II) any person who acts as an agent, representative, employee, or servant, or any person who acts in any other capacity at the order, request, or under the direction or control, of a foreign principal described in subclause (I) or of a person any of whose activities are directly or indirectly supervised, directed, controlled, financed, or subsidized in whole or in major part by a foreign principal described in subclause (I); or

''(III) any person included in the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury pursuant to authorities relating to the imposition of sanctions relating to the conduct of a foreign principal described in subclause (I).

''(ii) CLARIFICATION REGARDING APPLICATION TO CITIZENS OF THE UNITED STATES.—In the case of a citizen of the United States, subclause (II) of clause (i) applies only to the extent that the person involved acts within the scope of that person's status as the agent of a foreign principal described in subclause (I) of clause (i).

''(4) CLARIFICATION REGARDING VOLUNTEERS.—For purposes of paragraphs (2)(B) and (3)(A)(i)(I), an unpaid volunteer shall not be treated as an official, employee, or agent of an authorized committee unless such unpaid volunteer has a significant supervisory role or provides advice or input to the candidate or to senior officials of the authorized committee.''.

(b) FEDERAL CAMPAIGN FOREIGN CONTACT REPORTING COMPLIANCE SYSTEM.—Section 302(e) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30102(e)) is amended by adding at the end the following new paragraph:

''(6) REPORTABLE FOREIGN CONTACTS COMPLIANCE POLICY.—

''(A) REPORTING.—Each authorized committee of a candidate for the office of President shall establish a policy that requires all officials, employees, and agents of such committee to notify the treasurer or other appropriate designated official of the committee of any reportable foreign contact (as defined in section 304(j)) not later than 1 week after such contact was made.

''(B) RETENTION AND PRESERVATION OF RECORDS.—Each authorized committee of a candidate for the office of President shall establish a policy that provides for the retention and preservation of records and information related to reportable foreign contacts (as so defined) for a period of not less than 3 years.

''(C) CERTIFICATION.—Upon designation of a political committee as an authorized committee by a candidate for the office of President, and with each report filed by such committee under section 304(a), the candidate shall certify that—

''(i) the committee has in place policies that meet the requirements of subparagraphs (A) and (B);

''(ii) the committee has designated an official to monitor compliance with such policies; and

''(iii) not later than 1 week after the beginning of any formal or informal affiliation with the committee, all officials, employees, and agents of such committee will—

''(I) receive notice of such policies;

''(II) be informed of the prohibitions under section 319; and

''(III) sign a certification affirming their understanding of such policies and prohibitions.''.

(c) CRIMINAL PENALTIES.—Section 309(d)(1) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30109(d)(1)) is amended by adding at the end the following new subparagraphs:

''(E) Any person who knowingly and willfully commits a violation of section 304(j) or section 302(e)(6) shall be fined under title 18, United States Code, imprisoned for not more than 3 years, or both.

''(F) Any person who knowingly and willfully conceals or destroys any materials relating to a reportable foreign contact (as defined in section 304(j)) shall be fined under title 18, United States Code, imprisoned for not more than 3 years, or both.''.

(d) RULE OF CONSTRUCTION.—Nothing in this section or the amendments made by this section shall be construed—

(1) to impede legitimate journalistic activities; or

(2) to impose any additional limitation on the right of any individual who is not a citizen of the United States or a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act) and who is not lawfully admitted for permanent residence, as defined by section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)) to express political views or to participate in public discourse.

SA 2220. Mr. HEINRICH (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title XXXI, add the following:

SEC. 3168. SENSE OF THE SENATE ON EXTENSION OF LIMITATIONS ON IMPORTATION OF URANIUM FROM RUSSIAN FEDERATION.

It is the sense of the Senate that—

(1) a secure nuclear fuel supply chain is essential to the economic and national security of the United States;

(2) the United States should—

(A) expeditiously complete negotiation of an extension of the Agreement Suspending the Antidumping Investigation on Uranium from the Russian Federation (commonly referred to as the ''Russian Suspension Agreement''); or

(B) if an agreement to extend the Russian Suspension Agreement cannot be reached, complete the antidumping investigation under title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.) with respect to imports of uranium from the Russian Federation—

(i) to avoid unfair trade in uranium and maintain a nuclear fuel supply chain in the United States, consistent with the national security and nonproliferation goals of the United States; and

(ii) to protect the United States nuclear fuel supply chain from the continued manipulation of the global and United States uranium markets by the Russian Federation and Russian-influenced competitors;

(3) a renegotiated, long-term extension of the Russian Suspension Agreement can prevent adversaries of the United States from monopolizing the nuclear fuel supply chain;

(4) as was done in 2008, upon completion of a new negotiated long-term extension of the Russian Suspension Agreement, Congress should enact legislation to codify the terms of extension into law to ensure long-term stability for the domestic nuclear fuel supply chain; and

(5) if the negotiations to extend the Russian Suspension Agreement prove unsuccessful, Congress should be prepared to enact legislation to prevent the manipulation by the Russian Federation of global uranium markets and potential domination by the Russian Federation of the United States uranium market.

SA 2221. Mr. HEINRICH submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title XVI, insert the following:

SEC. _____. REPORT ON ESTABLISHING AN ELEMENT OF THE INTELLIGENCE COMMUNITY WITHIN THE UNITED STATES SPACE FORCE.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Director of National Intelligence and the Under Secretary of Defense for Intelligence and Security, in coordination with the Secretary of the Air Force and the Chief of Space Operations, shall submit to the appropriate committees of Congress a report on the potential for establishing an element of the intelligence community and a national intelligence center within the United States Space Force.

(b) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—For purposes of this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives.

SA 2222. Mr. HEINRICH submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 1083, line 23, insert after ''safety'' the following: ''that are agreed to by the Board and the Secretary of Energy''.

SA 2223. Mr. HEINRICH submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3203.

SA 2224. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. FEDERAL CLEARINGHOUSE ON SCHOOL SAFETY BEST PRACTICES.

(a) SHORT TITLE.—This section may be cited as the ''Luke and Alex School Safety Act of 2020''.

(b) CLEARINGHOUSE.—Subtitle A of title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended by inserting after section 2214 the following:

''SEC. 2215. FEDERAL CLEARINGHOUSE ON SCHOOL SAFETY BEST PRACTICES.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary, in coordination with the Secretary of Education, the Attorney General, and the Secretary of Health and Human Services, shall establish a Federal Clearinghouse on School Safety Best Practices (in this section referred to as the 'Clearinghouse') within the Department.

''(2) PURPOSE.—The Clearinghouse shall be the primary resource of the Federal Government to identify and publish online through SchoolSafety.gov, or any successor website, the best practices and recommendations for school safety for use by State and local educational agencies, institutions of higher education, State and local law enforcement agencies, health professionals, and the general public.

''(3) PERSONNEL.—

''(A) ASSIGNMENTS.—The Clearinghouse shall be assigned such personnel and resources as the Secretary considers appropriate to carry out this section.

''(B) DETAILEES.—The Secretary of Education, the Attorney General, and the Secretary of Health and Human Services may detail personnel to the Clearinghouse.

''(4) EXEMPTIONS.—

''(A) PAPERWORK REDUCTION ACT.—Chapter 35 of title 44, United States Code (commonly known as the 'Paperwork Reduction Act') shall not apply to any rulemaking or information collection required under this section.

''(B) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5

U.S.C. App.) shall not apply for the purposes of carrying out this section.

''(b) CLEARINGHOUSE CONTENTS.—

''(1) CONSULTATION.—In identifying the best practices and recommendations for the Clearinghouse, the Secretary may consult with appropriate Federal, State, local, Tribal, private sector, and nongovernmental organizations.

''(2) CRITERIA FOR BEST PRACTICES AND RECOMMENDATIONS.—The best practices and recommendations of the Clearinghouse shall, at a minimum—

''(A) involve comprehensive school safety measures, including threat prevention, preparedness, protection, mitigation, incident response, and recovery to improve the safety posture of a school upon implementation;

''(B) include any evidence or research rationale supporting the determination of the Clearinghouse that the best practice or recommendation under subparagraph (A) has been shown to have a significant effect on improving the health, safety, and welfare of persons in school settings, including—

''(i) relevant research that is evidence-based, as defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801), supporting the best practice or recommendation;

''(ii) findings and data from previous Federal or State commissions recommending improvements to the safety posture of a school; or

''(iii) other supportive evidence or findings relied upon by the Clearinghouse in determining best practices and recommendations to improve the safety posture of a school upon implementation; and

''(C) include information on Federal grant programs for which implementation of each best practice or recommendation is an eligible use for the program.

''(3) PAST COMMISSION RECOMMENDATIONS.—To the greatest extent practicable, the Clearinghouse shall present, as appropriate, Federal, State, local, Tribal, private sector, and nongovernmental organization issued best practices and recommendations and identify any best practice or recommendation of the Clearinghouse that was previously issued by any such organization or commission.

''(c) ASSISTANCE AND TRAINING.—The Secretary may produce and publish materials on the Clearinghouse to assist and train educational agencies and law enforcement agencies on the implementation of the best practices and recommendations.

''(d) CONTINUOUS IMPROVEMENT.—The Secretary shall—

''(1) collect for the purpose of continuous improvement of the Clearinghouse—

''(A) Clearinghouse data analytics;

''(B) user feedback on the implementation of resources, best practices, and recommendations identified by the Clearinghouse; and

''(C) any evaluations conducted on implementation of the best practices and recommendations of the Clearinghouse; and

''(2) in coordination with the Secretary of Education, the Secretary of Health and Human Services, and the Attorney General—

''(A) regularly assess and identify Clearinghouse best practices and recommendations for which there are no resources available through Federal Government programs for implementation; and

''(B) establish an external advisory board, which shall be comprised of appropriate State, local, Tribal, private sector, and nongovernmental organizations, including organizations representing parents of elementary and secondary school students, to—

''(i) provide feedback on the implementation of best practices and recommendations of the Clearinghouse; and

''(ii) propose additional recommendations for best practices for inclusion in the Clearinghouse.

''(e) PARENTAL ASSISTANCE.—The Clearinghouse shall produce materials to assist parents and legal guardians of students with identifying relevant Clearinghouse resources related to supporting the implementation of Clearinghouse best practices and recommendations.''.

(1) TECHNICAL AMENDMENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by inserting after the item relating to section 2214 the following:

''Sec. 2215. Federal Clearinghouse on School Safety Best Practices.''.

(c) NOTIFICATION OF CLEARINGHOUSE.—

(1) NOTIFICATION BY THE SECRETARY OF EDUCATION.—The Secretary of Education shall provide written notification of the publication of the Federal Clearinghouse on School Safety Best Practices (referred to in this subsection and subsection (d) as the ''Clearinghouse''), as required to be established under section 2215 of the Homeland Security Act of 2002, as added by subsection (b), to—

(A) every State and local educational agency; and

(B) other Department of Education partners in the implementation of the best practices and recommendations of the Clearinghouse, as determined appropriate by the Secretary of Education.

(2) NOTIFICATION BY THE SECRETARY OF HOMELAND SECURITY.—The Secretary of Homeland Security shall provide written notification of the publication of the Clearinghouse, as required to be established under section 2215 of the Homeland Security Act of 2002, as added by subsection (b), to—

(A) every State homeland security advisor;

(B) every State department of homeland security; and

(C) other Department of Homeland Security partners in the implementation of the best practices and recommendations of the Clearinghouse, as determined appropriate by the Secretary of Homeland Security.

(3) NOTIFICATION BY THE SECRETARY OF HEALTH AND HUMAN SERVICES.—The Secretary of Health and Human Services shall provide written notification of the publication of the Clearinghouse, as required to be established under section 2215 of the Homeland Security Act of 2002, as added by subsection (b), to—

(A) every State department of public health; and

(B) other Department of Health and Human Services partners in the implementation of the best practices and recommendations of the Clearinghouse, as determined appropriate by the Secretary of Health and Human Services.

(4) NOTIFICATION BY THE ATTORNEY GENERAL.—The Attorney General shall provide written notification of the publication of the Clearinghouse, as required to be established under section 2215 of the Homeland Security Act of 2002, as added by subsection (b), to—

(A) every State department of justice; and

(B) other Department of Justice partners in the implementation of the best practices and recommendations of the Clearinghouse, as determined appropriate by the Attorney General.

(d) GRANT PROGRAM REVIEW.—

(1) FEDERAL GRANTS AND RESOURCES.—The Secretary of Education, the Secretary of Homeland Security, the Secretary of Health and Human Services, and the Attorney General shall each—

(A) review grant programs administered by their respective agency and identify any grant program that may be used to implement best practices and recommendations of the Clearinghouse;

(B) identify any best practices and recommendations of the Clearinghouse for which there is not a Federal grant program that may be used for the purposes of implementing the best practice or recommendation as applicable to the agency; and

(C) periodically report any findings under subparagraph (B) to the appropriate committees of Congress.

(2) STATE GRANTS AND RESOURCES.—The Clearinghouse shall, to the extent practicable, identify, for each State—

(A) each agency responsible for school safety in the State, or any State that does not have such an agency designated;

(B) any grant program that may be used for the purposes of implementing best practices and recommendations of the Clearinghouse; and

(C) any resources other than grant programs that may be used to assist in implementation of best practices and recommendations of the Clearinghouse.

(e) RULES OF CONSTRUCTION.—

(1) WAIVER OF REQUIREMENTS.—Nothing in this section or the amendments made by this section shall be construed to create, satisfy, or waive any requirement under—

(A) title II or III of the Americans With Disabilities Act of 1990 (42 U.S.C. 12131 et seq., 12181 et seq.);

(B) the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.);

(C) title IV or VI of the Civil Rights Act of 1964 (42 U.S.C. 2000c et seq., 2000d et seq.);

(D) title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.);

(E) the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.); or

(F) the Equal Educational Opportunities Act of 1974 (20 U.S.C. 1701 et seq.).

(2) PROHIBITION ON FEDERALLY DEVELOPED, MANDATED, OR ENDORSED CURRICULUM.—Nothing in this section or the amendments made by this section shall be construed to authorize any officer or employee of the Federal Government to engage in an activity otherwise prohibited under section 103(b) of the Department of Education Organization Act (20 U.S.C. 3403(b)).

SA 2225. Mr. RUBIO (for himself, Mr. WARNER, Mr. BURR, Mr. CORNYN, Mr. BENNET, Mr. SASSE, and Mr. COTTON) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle H—Wireless Supply Chain Innovation and Multilateral Security

SEC. 1091. DEFINITIONS.

In this subtitle:

(1) 3GPP.—The term ''3GPP'' means the Third Generation Partnership Project.

(2) 5G NETWORK.—The term ''5G network'' means a radio network as described by 3GPP Release 15 or higher.

(3) COMMISSION.—The term ''Commission'' means the Federal Communications Commission.

(4) NTIA ADMINISTRATOR.—The term ''NTIA Administrator'' means the Assistant Secretary of Commerce for Communications and Information.

(5) OPEN-RAN.—The term ''Open-RAN'' means the Open Radio Access Network approach to standardization adopted by the O-

RAN Alliance, Telecom Infra Project, or 3GPP, or any similar set of open standards for multi-vendor network equipment interoperability.

(6) RELEVANT COMMITTEES OF CONGRESS.—The term ''relevant committees of Congress'' means—

(A) the Select Committee on Intelligence of the Senate;

(B) the Committee on Foreign Relations of the Senate;

(C) the Committee on Homeland Security and Governmental Affairs of the Senate;

(D) the Committee on Armed Services of the Senate;

(E) the Committee on Commerce, Science, and Transportation of the Senate;

(F) the Committee on Appropriations of the Senate;

(G) the Permanent Select Committee on Intelligence of the House of Representatives;

(H) the Committee on Foreign Affairs of the House of Representatives;

(I) the Committee on Homeland Security of the House of Representatives;

(J) the Committee on Armed Services of the House of Representatives;

(K) the Committee on Energy and Commerce of the House of Representatives; and

(L) the Committee on Appropriations of the House of Representatives.

SEC. 1092. COMMUNICATIONS TECHNOLOGY SECURITY FUNDS.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated for fiscal years 2021 through 2031—

(A) $50,000,000 for the Public Wireless Supply Chain Innovation Fund established under subsection (b) of this section; and

(B) $25,000,000 for the Multilateral Telecommunications Security Fund established under subsection (c) of this section.

(2) AVAILABILITY.—Amounts made available under paragraph (1) shall remain available through fiscal year 2031.

(b) PUBLIC WIRELESS SUPPLY CHAIN INNOVATION FUND.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—There is established in the Treasury of the United States a trust fund to be known as the ''Public Wireless Supply Chain Innovation Fund'' (referred to in this subsection as the ''R&D Fund'').

(B) AVAILABILITY.—

(i) IN GENERAL.—Amounts deposited in the R&D Fund shall remain available through the end of the tenth fiscal year beginning after the date of enactment of this Act.

(ii) REMAINDER TO TREASURY.—Any amounts remaining in the R&D Fund after the end of the tenth fiscal year beginning after the date of enactment of this Act shall be deposited in the general fund of the Treasury.

(2) USE OF FUND.—

(A) IN GENERAL.—Amounts appropriated to the R&D Fund shall be available to the NTIA Administrator to make grants under this subsection in such amounts as the NTIA Administrator determines appropriate, subject to clause (ii) of this subparagraph.

(B) LIMITATION ON GRANT AMOUNTS.—The amount of a grant awarded under this subsection to a recipient for a specific research focus area may not exceed $50,000,000.

(3) ADMINISTRATION OF FUND.—The NTIA Administrator, in consultation with the Commission, the Director of the National Institute of Standards and Technology, the Secretary of Homeland Security, the Secretary of Defense, and the Director of the Intelligence Advanced Research Projects Activity of the Office of the Director of National Intelligence, shall establish criteria for grants awarded under this subsection, and administer the R&D Fund, to support research and the commercial application of that research, including in the following areas:

(A) Promoting the development of technology, including software, hardware, and microprocessing technology, that will enhance competitiveness in the fifth-generation (commonly known as ''5G'') and successor wireless technology supply chains.

(B) Accelerating development and deployment of open interface standards-based compatible, interoperable equipment, such as equipment developed pursuant to the standards set forth by organizations such as the O-RAN Alliance, the Telecom Infra Project, 3GPP, the Open-RAN Software Community, or any successor organizations.

(C) Promoting compatibility of new 5G equipment with future open standards-based, interoperable equipment.

(D) Managing integration of multi-vendor network environments.

(E) Objective criteria to define equipment as compliant with open standards for multi-vendor network equipment interoperability.

(F) Promoting development and inclusion of security features enhancing the integrity and availability of equipment in multi-vendor networks.

(G) Promoting the application of network function virtualization to facilitate multi-vendor interoperability and a more diverse vendor market.

(4) TIMING.—Not later than 1 year after the date of enactment of this Act, the NTIA Administrator shall begin awarding grants under this subsection.

(5) FEDERAL ADVISORY BODY.—

(A) ESTABLISHMENT.—The NTIA Administrator shall establish a Federal advisory committee, in accordance with the Federal Advisory Committee Act (5 U.S.C. App.), composed of government and private sector experts, to advise the NTIA Administrator on the administration of the R&D Fund.

(B) COMPOSITION.—The advisory committee established under subparagraph (A) shall be composed of—

(i) representatives from—

(I) the Commission;

(II) the Department of Defense;

(III) the Intelligence Advanced Research Projects Activity of the Office of the Director of National Intelligence;

(IV) the National Institute of Standards and Technology;

(V) the Department of State;

(VI) the National Science Foundation; and

(VII) the Department of Homeland Security; and

(ii) other representatives from the private and public sectors, at the discretion of the NTIA Administrator.

(C) DUTIES.—The advisory committee established under subparagraph (A) shall advise the NTIA Administrator on technology developments to help inform—

(i) the strategic direction of the R&D Fund; and

(ii) efforts of the Federal Government to promote a more secure, diverse, sustainable, and competitive supply chain.

(6) REPORTS TO CONGRESS.—

(A) INITIAL REPORT.—Not later than 180 days after the date of enactment of this Act, the NTIA Administrator shall submit to the relevant committees of Congress a report with—

(i) additional recommendations on promoting the competitiveness and sustainability of trusted suppliers in the wireless supply chain; and

(ii) any additional authorities needed to facilitate the timely adoption of open standards-based equipment, including authority to provide loans, loan guarantees, and other forms of credit extension that would maximize the use of designated funds.

(B) ANNUAL REPORT.—For each fiscal year for which amounts in the R&D Fund are available under this subsection, the NTIA Administrator shall submit to Congress a report that—

(i) describes how, and to whom, amounts in the R&D Fund have been deployed;

(ii) details the progress of the NTIA Administrator in meeting the objectives described in paragraph (3); and

(iii) includes any additional information that the NTIA Administrator determines appropriate.

(c) MULTILATERAL TELECOMMUNICATIONS SECURITY FUND.—

(1) ESTABLISHMENT OF FUND.—

(A) IN GENERAL.—There is established in the Treasury of the United States a trust fund to be known as the ''Multilateral Telecommunications Security Fund''.

(B) USE OF FUND.—Amounts appropriated to the Multilateral Telecommunications Security Fund shall be available to the Secretary of State to make expenditures under this subsection in such amounts as the Secretary of State determines appropriate.

(C) AVAILABILITY.—

(i) IN GENERAL.—Amounts deposited in the Multilateral Telecommunications Security Fund—

(I) shall remain available through the end of the tenth fiscal year beginning after the date of enactment of this Act; and

(II) may only be allocated upon the Secretary of State reaching an agreement with foreign government partners to participate in the common funding mechanism described in paragraph (2).

(ii) REMAINDER TO TREASURY.—Any amounts remaining in the Multilateral Telecommunications Security Fund after the end of the tenth fiscal year beginning after the date of enactment of this Act shall be deposited in the general fund of the Treasury.

(2) ADMINISTRATION OF FUND.—The Secretary of State, in consultation with the NTIA Administrator, the Secretary of Homeland Security, the Secretary of Defense, the Secretary of the Treasury, the Director of National Intelligence, and the Commission, shall establish a common funding mechanism, in coordination with foreign partners, that uses amounts from the Multilateral Telecommunications Security Fund to support the development and adoption of secure and trusted telecommunications technologies.

(3) ANNUAL REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for each fiscal year during which amounts in the Multilateral Telecommunications Security Fund are available, the Secretary of State shall submit to the relevant committees of Congress a report on the status and progress of the funding mechanism established under paragraph (2), including—

(A) any funding commitments from foreign partners, including each specific amount committed;

(B) governing criteria for use of the Multilateral Telecommunications Security Fund;

(C) an account of—

(i) how, and to whom, funds have been deployed;

(ii) amounts remaining in the Multilateral Telecommunications Security Fund; and

(iii) the progress of the Secretary of State in meeting the objective described in paragraph (2); and

(D) additional authorities needed to enhance the effectiveness of the Multilateral Telecommunications Security Fund in achieving the security goals of the United States.

SEC. 1093. PROMOTING UNITED STATES LEADERSHIP IN INTERNATIONAL ORGANIZATIONS AND COMMUNICATIONS STANDARDS-SETTING BODIES.

(a) IN GENERAL.—The Secretary of State, the Secretary of Commerce, and the Chairman of the Commission, or their designees, shall consider how to enhance representation of the United States at international forums that set standards for 5G networks and for future generations of wireless communications networks, including—

(1) the International Telecommunication Union (commonly known as ''ITU'');

(2) the International Organization for Standardization (commonly known as ''ISO'');

(3) the Inter-American Telecommunications Commission (commonly known as ''CITEL''); and

(4) the voluntary standards organizations that develop protocols for wireless devices and other equipment, such as the 3GPP and the Institute of Electrical and Electronics Engineers (commonly known as ''IEEE'').

(b) ANNUAL REPORT.—The Secretary of State, the Secretary of Commerce, and the Chairman of the Commission shall jointly submit to the relevant committees of Congress an annual report on the progress made under subsection (a).

SA 2226. Mr. RUBIO (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DIVISION ___—INTELLIGENCE AUTHORIZATIONS FOR FISCAL YEAR 2021

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the ''Intelligence Authorization Act for Fiscal Year 2021''.

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

DIVISION ___—INTELLIGENCE AUTHORIZATIONS FOR FISCAL YEAR 2021

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

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.
Sec. 102. Classified Schedule of Authorizations.
Sec. 103. Intelligence Community Management Account.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—INTELLIGENCE COMMUNITY MATTERS

Subtitle A—General Intelligence Community Matters

Sec. 301. Restriction on conduct of intelligence activities.
Sec. 302. Increase in employee compensation and benefits authorized by law.
Sec. 303. Clarification of authorities and responsibilities of National Manager for National Security Telecommunications and Information Systems Security.
Sec. 304. Continuity of operations plans for certain elements of the intelligence community in the case of a national emergency.
Sec. 305. Application of Executive Schedule level III to position of Director of National Reconnaissance Office.
Sec. 306. National Intelligence University.
Sec. 307. Requiring facilitation of establishment of Social Media Data and Threat Analysis Center.
Sec. 308. Data collection on attrition in intelligence community.
Sec. 309. Limitation on delegation of responsibility for program management of information-sharing environment.
Sec. 310. Improvements to provisions relating to intelligence community information technology environment.
Sec. 311. Requirements and authorities for Director of the Central Intelligence Agency to improve education in science, technology, engineering, arts, and mathematics.

Subtitle B—Reports and Assessments Pertaining to Intelligence Community

Sec. 321. Assessment by the Comptroller General of the United States on efforts of the intelligence community and the Department of Defense to identify and mitigate risks posed to the intelligence community and the Department by the use of direct-to-consumer genetic testing by the Government of the People's Republic of China.
Sec. 322. Report on use by intelligence community of hiring flexibilities and expedited human resources practices to assure quality and diversity in the workforce of the intelligence community.
Sec. 323. Report on signals intelligence priorities and requirements.
Sec. 324. Assessment of demand for student loan repayment program benefit.
Sec. 325. Assessment of intelligence community demand for child care.
Sec. 326. Open source intelligence strategies and plans for the intelligence community.

TITLE IV—SECURITY CLEARANCES AND TRUSTED WORKFORCE

Sec. 401. Exclusivity, consistency, and transparency in security clearance procedures, and right to appeal.
Sec. 402. Establishing process parity for security clearance revocations.
Sec. 403. Federal policy on sharing of derogatory information pertaining to contractor employees in the trusted workforce.

TITLE V—REPORTS AND OTHER MATTERS

Subtitle A—Wireless Supply Chain Innovation and Multilateral Security

Sec. 501. Definitions.
Sec. 502. Communications technology security funds.
Sec. 503. Promoting United States leadership in international organizations and communications standards-setting bodies.

Subtitle B—Reports and Other Matters

Sec. 511. Report on attempts by foreign adversaries to build telecommunications and cybersecurity equipment and services for, or to provide such equipment and services to, certain allies of the United States.
Sec. 512. Report on threats posed by use by foreign governments and entities of commercially available cyber intrusion and surveillance technology.
Sec. 513. Reports on recommendations of the Cyberspace Solarium Commission.
Sec. 514. Assessment of critical technology trends relating to artificial intelligence, microchips, and semiconductors and related supply chains.
Sec. 515. Combating Chinese influence operations in the United States and strengthening civil liberties protections.
Sec. 516. Annual report on corrupt activities of senior officials of the Chinese Communist Party.
Sec. 517. Report on corrupt activities of Russian and other Eastern European oligarchs.
Sec. 518. Report on biosecurity risk and disinformation by the Chinese Communist Party and the Government of the People's Republic of China.
Sec. 519. Report on effect of lifting of United Nations arms embargo on Islamic Republic of Iran.
Sec. 520. Report on Iranian activities relating to nuclear nonproliferation.
Sec. 521. Sense of Congress on Third Option Foundation.

SEC. 2. 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 I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2021 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.

(5) The National Security 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.

(12) The Federal Bureau of Investigation.

(13) The Drug Enforcement Administration.

(14) The National Reconnaissance Office.

(15) The National Geospatial-Intelligence Agency.

(16) The Department of Homeland Security.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS.—The amounts authorized to be appropriated under section 101 for the conduct of the intelligence activities of the elements listed in paragraphs (1) through (16) of section 101, 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 of the Federal Government.

(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. 103. 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 2021 the sum of $731,200,000.

(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 2021 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a).

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund $514,000,000 for fiscal year 2021.

TITLE III—INTELLIGENCE COMMUNITY MATTERS

Subtitle A—General Intelligence Community Matters

SEC. 301. 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. 302. 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. 303. CLARIFICATION OF AUTHORITIES AND RESPONSIBILITIES OF NATIONAL MANAGER FOR NATIONAL SECURITY TELECOMMUNICATIONS AND INFORMATION SYSTEMS SECURITY.

In carrying out the authorities and responsibilities of the National Manager for National Security Telecommunications and Information Systems Security under National Security Directive 42 (signed by the President on July 5, 1990), the National Manager shall not supervise, oversee, or execute, either directly or indirectly, any aspect of the National Intelligence Program.

SEC. 304. CONTINUITY OF OPERATIONS PLANS FOR CERTAIN ELEMENTS OF THE INTELLIGENCE COMMUNITY IN THE CASE OF A NATIONAL EMERGENCY.

(a) DEFINITION OF COVERED NATIONAL EMERGENCY.—In this section, the term ''covered national emergency'' means the following:

(1) A major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).

(2) An emergency declared by the President under section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191).

(3) A national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.).

(4) A public health emergency declared under section 319 of the Public Health Service Act (42 U.S.C. 247d).

(b) IN GENERAL.—The Director of National Intelligence, the Director of the Central Intelligence Agency, the Director of the National Reconnaissance Office, the Director of the Defense Intelligence Agency, the Director of the National Security Agency, and the Director of the National Geospatial-Intelligence Agency shall each establish continuity of operations plans for use in the case of covered national emergencies for the element of the intelligence community concerned.

(c) SUBMISSION TO CONGRESS.—

(1) DIRECTOR OF NATIONAL INTELLIGENCE AND DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.—Not later than 7 days after the date on which a covered national emergency is declared, the Director of National Intelligence and the Director of the Central Intelligence Agency shall each submit to the congressional intelligence committees the plan established under subsection (b) for that emergency for the element of the intelligence community concerned.

(2) DIRECTOR OF NATIONAL RECONNAISSANCE OFFICE, DIRECTOR OF DEFENSE INTELLIGENCE AGENCY, DIRECTOR OF NATIONAL SECURITY AGENCY, AND DIRECTOR OF NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.—Not later than 7 days after the date on which a covered national emergency is declared, the Director of the National Reconnaissance Office, the Director of the Defense Intelligence Agency, the Director of the National Security Agency, and the Director of the National Geospatial-Intelligence Agency shall each submit the plan established under subsection (b) for that emergency for the element of the intelligence community concerned to the following:

(A) The congressional intelligence committees.

(B) The Committee on Armed Services of the Senate.

(C) The Committee on Armed Services of the House of Representatives.

(d) UPDATES.—During a covered national emergency, the Director of National Intelligence, the Director of the Central Intelligence Agency, the Director of the National Reconnaissance Office, the Director of the Defense Intelligence Agency, the Director of the National Security Agency, and the Director of the National Geospatial-Intelligence Agency shall each submit any updates to the plans submitted under subsection (c)—

(1) in accordance with that subsection; and

(2) in a timely manner consistent with section 501 of the National Security Act of 1947 (50 U.S.C. 3091).

SEC. 305. APPLICATION OF EXECUTIVE SCHEDULE LEVEL III TO POSITION OF DIRECTOR OF NATIONAL RECONNAISSANCE OFFICE.

Section 5314 of title 5, United States Code, is amended by adding at the end the following:

''Director of the National Reconnaissance Office.''.

SEC. 306. NATIONAL INTELLIGENCE UNIVERSITY.

(a) IN GENERAL.—Title X of the National Security Act of 1947 (50 U.S.C. 3191 et seq.) is amended by adding at the end the following:

''Subtitle D—National Intelligence University

''SEC. 1031. TRANSFER DATE.

''In this subtitle, the term 'transfer date' means the date on which the National Intelligence University is transferred from the Defense Intelligence Agency to the Director of National Intelligence under section 5324(a) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92).

''SEC. 1032. DEGREE-GRANTING AUTHORITY.

''(a) IN GENERAL.—Beginning on the transfer date, under regulations prescribed by the Director of National Intelligence, the President of the National Intelligence University may, upon the recommendation of the faculty of the University, confer appropriate degrees upon graduates who meet the degree requirements.

''(b) LIMITATION.—A degree may not be conferred under this section unless—

''(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

''(2) the University is accredited by the appropriate academic accrediting agency or organization to award the degree, as determined by the Secretary of Education.

''(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—

''(1) ACTIONS ON NONACCREDITATION.—Beginning on the transfer date, the Director shall promptly—

''(A) notify the congressional intelligence committees of any action by the Middle States Commission on Higher Education, or other appropriate academic accrediting agency or organization, to not accredit the University to award any new or existing degree; and

''(B) submit to such committees a report containing an explanation of any such action.

''(2) MODIFICATION OR REDESIGNATION OF DEGREE-GRANTING AUTHORITY.—Beginning on the transfer date, upon any modification or redesignation of existing degree-granting authority, the Director shall submit to the congressional intelligence committees a report containing—

''(A) the rationale for the proposed modification or redesignation; and

''(B) any subsequent recommendation of the Secretary of Education with respect to the proposed modification or redesignation.

''SEC. 1033. FACULTY MEMBERS; EMPLOYMENT AND COMPENSATION.

''(a) AUTHORITY OF DIRECTOR.—Beginning on the transfer date, the Director of National Intelligence may employ as many professors, instructors, and lecturers at the National Intelligence University as the Director considers necessary.

''(b) COMPENSATION OF FACULTY MEMBERS.—The compensation of persons employed under this section shall be as prescribed by the Director.

''(c) COMPENSATION PLAN.—The Director shall provide each person employed as a professor, instructor, or lecturer at the University on the transfer date an opportunity to elect to be paid under the compensation plan in effect on the day before the transfer date (with no reduction in pay) or under the authority of this section.

''SEC. 1034. ACCEPTANCE OF FACULTY RESEARCH GRANTS.

''The Director of National Intelligence 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 title 10, United States Code.

"SEC. 1035. CONTINUED APPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT TO THE BOARD OF VISITORS.

''The Federal Advisory Committee Act (5 U.S.C. App.) shall continue to apply to the Board of Visitors of the National Intelligence University on and after the transfer date.''.

(b) CONFORMING AMENDMENTS.—Section 5324 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended—

(1) in subsection (b)(1)(C), by striking ''subsection (e)(2)'' and inserting ''section 1032(b) of the National Security Act of 1947'';

(2) by striking subsections (e) and (f); and

(3) by redesignating subsections (g) and (h) as subsections (e) and (f), respectively.

(c) CLERICAL AMENDMENT.—The table of contents of the National Security Act of 1947 is amended by inserting after the item relating to section 1024 the following:

''Subtitle D—National Intelligence University

''Sec. 1031. Transfer date.
''Sec. 1032. Degree-granting authority.
''Sec. 1033. Faculty members; employment and compensation.
''Sec. 1034. Acceptance of faculty research grants.
''Sec. 1035. Continued applicability of the Federal Advisory Committee Act to the Board of Visitors.''.

SEC. 307. REQUIRING FACILITATION OF ESTABLISHMENT OF SOCIAL MEDIA DATA AND THREAT ANALYSIS CENTER.

(a) REQUIREMENT TO FACILITATE ESTABLISHMENT.—Subsection (c)(1) of section 5323 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended, by striking ''may'' and inserting ''shall''.

(b) DEADLINE TO FACILITATE ESTABLISHMENT.—Such subsection is further amended by striking ''The Director'' and inserting ''Not later than 180 days after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2021, the Director''.

(c) CONFORMING AMENDMENTS.—

(1) REPORTING.—Subsection (d) of such section is amended—

(A) in the matter before paragraph (1), by striking ''If the Director'' and all that follows through ''the Center, the'' and inserting ''The''; and

(B) in paragraph (1), by striking ''180 days after the date of the enactment of this Act'' and inserting ''180 days after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2021''.

(2) FUNDING.—Subsection (f) of such section is amended by striking ''fiscal year 2020 and 2021'' and inserting ''fiscal year 2021 and 2022''.

(3) CLERICAL.—Subsection (c) of such section is amended—

(A) in the subsection heading, by striking ''AUTHORITY'' and inserting ''REQUIREMENT''; and

(B) in paragraph (1), in the paragraph heading, by striking ''AUTHORITY'' and inserting ''REQUIREMENT''.

SEC. 308. DATA COLLECTION ON ATTRITION IN INTELLIGENCE COMMUNITY.

(a) STANDARDS FOR DATA COLLECTION.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall establish standards for collecting data relating to attrition in the intelligence community workforce across demographics, specialities, and length of service.

(2) INCLUSION OF CERTAIN CANDIDATES.—The Director shall include, in the standards established under paragraph (1), standards for collecting data from candidates who accepted conditional offers of employment but chose to withdraw from the hiring process before entering into service, including data with respect to the reasons such candidates chose to withdraw.

(b) COLLECTION OF DATA.—Not later than 120 days after the date of the enactment of this Act, each element of the intelligence community shall begin collecting data on workforce and candidate attrition in accordance with the standards established under subsection (a).

(c) ANNUAL REPORT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Director shall submit to the congressional intelligence committees a report on workforce and candidate attrition in the intelligence community that includes—

(1) the findings of the Director based on the data collected under subsection (b);

(2) recommendations for addressing any issues identified in those findings; and

(3) an assessment of timeliness in processing hiring applications of individuals previously employed by an element of the intelligence community, consistent with the Trusted Workforce 2.0 initiative sponsored by the Security Clearance, Suitability, and Credentialing Performance Accountability Council.

SEC. 309. LIMITATION ON DELEGATION OF RESPONSIBILITY FOR PROGRAM MANAGEMENT OF INFORMATION-SHARING ENVIRONMENT.

(a) IN GENERAL.—Section 1016(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485(b)), as amended by section 6402(a) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), is further amended—

(1) in paragraph (1), in the matter before subparagraph (A), by striking ''Director of National Intelligence'' and inserting ''President'';

(2) in paragraph (2), by striking ''Director of National Intelligence'' both places it appears and inserting ''President''; and

(3) by adding at the end the following:

''(3) DELEGATION.—

''(A) IN GENERAL.—Subject to subparagraph (B), the President may delegate responsibility for carrying out this subsection.

''(B) LIMITATION.—The President may not delegate responsibility for carrying out this subsection to the Director of National Intelligence.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2020.

SEC. 310. IMPROVEMENTS TO PROVISIONS RELATING TO INTELLIGENCE COMMUNITY INFORMATION TECHNOLOGY ENVIRONMENT.

Section 6312 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended by striking subsections (e) through (i) and inserting the following:

''(e) LONG-TERM ROADMAP.—Not later than 180 days after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2021, the Director of National Intelligence shall develop and maintain a long-term roadmap for the intelligence community information technology environment.

''(f) BUSINESS PLAN.—Not later than 180 days after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2021, the Director of National Intelligence shall develop and maintain a business plan to implement the long-term roadmap required by subsection (e).''.

SEC. 311. REQUIREMENTS AND AUTHORITIES FOR DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY TO IMPROVE EDUCATION IN SCIENCE, TECHNOLOGY, ENGINEERING, ARTS, AND MATHEMATICS.

The Central Intelligence Agency Act of 1949 (50 U.S.C. 3501 et seq.) is amended by adding the following:

"SEC. 24. IMPROVEMENT OF EDUCATION IN SCIENCE, TECHNOLOGY, ENGINEERING, ARTS, AND MATHEMATICS.

''(a) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' includes a department or agency of the Federal Government, a State, a political subdivision of a State, an individual, and a not-for-profit or other organization in the private sector.

''(2) EDUCATIONAL INSTITUTION.—The term 'educational institution' includes any public or private elementary school or secondary school, institution of higher education, college, university, or any other profit or nonprofit institution that is dedicated to improving science, technology, engineering, the arts, mathematics, business, law, medicine, or other fields that promote development and education relating to science, technology, engineering, the arts, or mathematics.

''(3) STATE.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

''(b) REQUIREMENTS.—The Director shall, on a continuing basis—

''(1) identify actions that the Director may take to improve education in the scientific, technology, engineering, arts, and mathematics (known as 'STEAM') skills necessary to meet the long-term national security needs of the United States for personnel proficient in such skills; and

''(2) establish and conduct programs to carry out such actions.

''(c) AUTHORITIES.—

''(1) IN GENERAL.—The Director, in support of educational programs in science, technology, engineering, the arts, and mathematics, may—

''(A) award grants to eligible entities;

''(B) provide cash awards and other items to eligible entities;

''(C) accept voluntary services from eligible entities;

''(D) support national competition judging, other educational event activities, and associated award ceremonies in connection with such educational programs; and

''(E) enter into one or more education partnership agreements with educational institutions in the United States for the purpose of encouraging and enhancing study in science, technology, engineering, the arts, and mathematics disciplines at all levels of education.

''(2) EDUCATION PARTNERSHIP AGREEMENTS.—

''(A) NATURE OF ASSISTANCE PROVIDED.—Under an education partnership agreement entered into with an educational institution under paragraph (1)(E), the Director may provide assistance to the educational institution by—

''(i) loaning equipment to the educational institution for any purpose and duration in support of such agreement that the Director considers appropriate;

''(ii) making personnel available to teach science courses or to assist in the development of science courses and materials for the educational institution;

''(iii) providing sabbatical opportunities for faculty and internship opportunities for students;

''(iv) involving faculty and students of the educational institution in Agency projects,

including research and technology transfer or transition projects;

''(v) cooperating with the educational institution in developing a program under which students may be given academic credit for work on Agency projects, including research and technology transfer for transition projects; and

''(vi) providing academic and career advice and assistance to students of the educational institution.

''(B) PRIORITIES.—In entering into education partnership agreements under paragraph (1)(E), the Director shall prioritize entering into education partnership agreements with the following:

''(i) Historically Black colleges and universities and other minority-serving institutions, as described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)).

''(ii) Educational institutions serving women, members of minority groups, and other groups of individuals who traditionally are involved in the science, technology, engineering, arts, and mathematics professions in disproportionately low numbers.

''(d) DESIGNATION OF ADVISOR.—The Director shall designate one or more individuals within the Agency to advise and assist the Director regarding matters relating to science, technology, engineering, the arts, and mathematics education and training.''.

Subtitle B—Reports and Assessments Pertaining to Intelligence Community

SEC. 321. ASSESSMENT BY THE COMPTROLLER GENERAL OF THE UNITED STATES ON EFFORTS OF THE INTELLIGENCE COMMUNITY AND THE DEPARTMENT OF DEFENSE TO IDENTIFY AND MITIGATE RISKS POSED TO THE INTELLIGENCE COMMUNITY AND THE DEPARTMENT BY THE USE OF DIRECT-TO-CONSUMER GENETIC TESTING BY THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) ASSESSMENT REQUIRED.—The Comptroller General of the United States shall assess the efforts of the intelligence community and the Department of Defense to identify and mitigate the risks posed to the intelligence community and the Department by the use of direct-to-consumer genetic testing by the Government of the People's Republic of China.

(b) REPORT REQUIRED.—

(1) DEFINITION OF UNITED STATES DIRECT-TO-CONSUMER GENETIC TESTING COMPANY.—In this subsection, the term ''United States direct-to-consumer genetic testing company'' means a private entity that—

(A) carries out direct-to-consumer genetic testing; and

(B) is organized under the laws of the United States or any jurisdiction within the United States.

(2) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress, including 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 assessment required by subsection (a).

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

(A) A description of key national security risks and vulnerabilities associated with direct-to-consumer genetic testing, including—

(i) how the Government of the People's Republic of China may be using data provided by personnel of the intelligence community and the Department through direct-to-consumer genetic tests; and

(ii) how ubiquitous technical surveillance may amplify those risks.

(B) An assessment of the extent to which the intelligence community and the Department have identified risks and vulnerabilities posed by direct-to-consumer genetic testing and have sought to mitigate such risks and vulnerabilities, or have plans for such mitigation, including the extent to which the intelligence community has determined—

(i) in which United States direct-to-consumer genetic testing companies the Government of the People's Republic of China or entities owned or controlled by the Government of the People's Republic of China have an ownership interest; and

(ii) which United States direct-to-consumer genetic testing companies may have sold data to the Government of the People's Republic of China or entities owned or controlled by the Government of the People's Republic of China.

(C) Such recommendations as the Comptroller General may have for action by the intelligence community and the Department to improve the identification and mitigation of risks and vulnerabilities posed by the use of direct-to-consumer genetic testing by the Government of the People's Republic of China.

(4) FORM.—The report required by paragraph (2) shall be submitted in unclassified form, but may include a classified annex.

(c) COOPERATION.—The heads of relevant elements of the intelligence community and components of the Department shall—

(1) fully cooperate with the Comptroller General in conducting the assessment required by subsection (a); and

(2) provide any information and data required by the Comptroller General to conduct the assessment.

SEC. 322. REPORT ON USE BY INTELLIGENCE COMMUNITY OF HIRING FLEXIBILITIES AND EXPEDITED HUMAN RESOURCES PRACTICES TO ASSURE QUALITY AND DIVERSITY IN THE WORKFORCE OF THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report on how elements of the intelligence community are exercising hiring flexibilities and expedited human resources practices afforded under section 3326 of title 5, United States Code, and subpart D of part 315 of title 5, Code of Federal Regulations, or successor regulation, to assure quality and diversity in the workforce of the intelligence community.

(b) OBSTACLES.—The report submitted under subsection (a) shall include identification of any obstacles encountered by the intelligence community in exercising the authorities described in such subsection.

SEC. 323. REPORT ON SIGNALS INTELLIGENCE PRIORITIES AND REQUIREMENTS.

(a) REPORT REQUIRED.—Not later than 30 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 signals intelligence priorities and requirements subject to Presidential Policy Directive 28.

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

(1) The implementation of the annual process for advising the Director on signals intelligence priorities and requirements described in section 3 of Presidential Policy Directive 28.

(2) The signals intelligence priorities and requirements as of the most recent annual process.

(3) The application of such priorities and requirements to the signals intelligence collection efforts of the intelligence community.

(4) The contents of the classified annex referenced in section 3 of Presidential Policy Directive 28.

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

SEC. 324. ASSESSMENT OF DEMAND FOR STUDENT LOAN REPAYMENT PROGRAM BENEFIT.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the head of each element of the intelligence community shall—

(1) calculate the number of personnel of that element who qualify for a student loan repayment program benefit;

(2) compare the number calculated under paragraph (1) to the number of personnel who apply for such a benefit;

(3) provide recommendations for how to structure such a program to optimize participation and enhance the effectiveness of the benefit as a retention tool, including with respect to the amount of the benefit offered and the length of time an employee receiving a benefit is required to serve under a continuing service agreement; and

(4) identify any shortfall in funds or authorities needed to provide such a benefit.

(b) INCLUSION IN FISCAL YEAR 2022 BUDGET SUBMISSION.—The Director of National Intelligence shall include in the budget justification materials submitted to Congress in support of the budget for the intelligence community for fiscal year 2022 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) a report on the findings of the elements of the intelligence community under subsection (a).

SEC. 325. ASSESSMENT OF INTELLIGENCE COMMUNITY DEMAND FOR CHILD CARE.

(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 heads of the elements of the intelligence community specified in subsection (b), shall submit to the congressional intelligence committees a report that includes—

(1) a calculation of the total annual demand for child care by employees of such elements, at or near the workplaces of such employees, including a calculation of the demand for early morning and evening child care;

(2) an identification of any shortfall between the demand calculated under paragraph (1) and the child care supported by such elements as of the date of the report;

(3) an assessment of options for addressing any such shortfall, including options for providing child care at or near the workplaces of employees of such elements;

(4) an identification of the advantages, disadvantages, security requirements, and costs associated with each such option;

(5) a plan to meet, by the date that is 5 years after the date of the report—

(A) the demand calculated under paragraph (1); or

(B) an alternative standard established by the Director for child care available to employees of such elements; and

(6) an assessment of needs of specific elements of the intelligence community, including any Government-provided child care that could be collocated with a workplace of employees of such an element and any available child care providers in the proximity of such a workplace.

(b) ELEMENTS SPECIFIED.—The elements of the intelligence community specified in this subsection are the following:

(1) The Central Intelligence Agency.

(2) The National Security Agency.

(3) The Defense Intelligence Agency.

(4) The National Geospatial-Intelligence Agency.

(5) The National Reconnaissance Office.

(6) The Office of the Director of National Intelligence.

SEC. 326. OPEN SOURCE INTELLIGENCE STRATEGIES AND PLANS FOR THE INTELLIGENCE COMMUNITY.

(a) REQUIREMENT FOR SURVEY AND EVALUATION OF CUSTOMER FEEDBACK.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the head of each element of the intelligence community, shall—

(1) conduct a survey of the open source intelligence requirements, goals, monetary and property investments, and capabilities for each element of the intelligence community; and

(2) evaluate the usability and utility of the Open Source Enterprise by soliciting customer feedback and evaluating such feedback.

(b) REQUIREMENT FOR OVERALL STRATEGY AND FOR INTELLIGENCE COMMUNITY, PLAN FOR IMPROVING USABILITY OF OPEN SOURCE ENTERPRISE, AND RISK ANALYSIS OF CREATING OPEN SOURCE CENTER.—Not later than 180 days after the date of the enactment of this Act, the Director, in coordination with the head of each element of the intelligence community and using the findings of the Director with respect to the survey conducted under subsection (a), shall—

(1) develop a strategy for open source intelligence collection, analysis, and production that defines the overarching goals, roles, responsibilities, and processes for such collection, analysis, and production for the intelligence community;

(2) develop a plan for improving usability and utility of the Open Source Enterprise based on the customer feedback solicited under subsection (a)(2); and

(3) conduct a risk and benefit analysis of creating an open source center independent of any current intelligence community element.

(c) REQUIREMENT FOR PLAN FOR CENTRALIZED DATA REPOSITORY.—Not later than 270 days after the date of the enactment of this Act and using the findings of the Director with respect to the survey and evaluation conducted under subsection (a), the strategy and plan developed under subsection (b), and the risk and benefit analysis conducted under such subsection, the Director shall develop a plan for a centralized data repository of open source intelligence that enables all elements of the intelligence community—

(1) to use such repository for their specific requirements; and

(2) to derive open source intelligence advantages.

(d) REQUIREMENT FOR COST-SHARING MODEL.—Not later than 1 year after the date of the enactment of this Act and using the findings of the Director with respect to the survey and evaluation conducted under subsection (a), the strategy and plan developed under subsection (b), the risk and benefit analysis conducted under such subsection, and the plan developed under subsection (c), the Director shall develop a cost-sharing model that leverages the open source intelligence investments of each element of the intelligence community for the beneficial use of the entire intelligence community.

(e) CONGRESSIONAL BRIEFING.—Not later than 1 year after the date of the enactment of this Act, the Director of National Intelligence, the Director of the Central Intelligence Agency, the Director of the Defense Intelligence Agency, the Director of the National Geospatial-Intelligence Agency, and the Director of the National Security Agency shall jointly brief the congressional intelligence committees on—

(1) the strategy developed under paragraph (1) of subsection (b);

(2) the plan developed under paragraph (2) of such subsection;

(3) the plan developed under subsection (c); and

(4) the cost-sharing model developed under subsection (d).

TITLE IV—SECURITY CLEARANCES AND TRUSTED WORKFORCE

SEC. 401. EXCLUSIVITY, CONSISTENCY, AND TRANSPARENCY IN SECURITY CLEARANCE PROCEDURES, AND RIGHT TO APPEAL.

(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) and promulgated and set forth under subpart A of title 32, Code of Federal Regulations, or successor regulations, 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 head 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, ethnicity, 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.''.

(d) RIGHT TO APPEAL.—

(1) IN GENERAL.—Such title, as amended by subsection (c), is further amended by inserting after section 801A the following:

''SEC. 801B. RIGHT TO APPEAL.

''(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) COVERED PERSON.—The term 'covered person' means a person, other than the President and Vice President, currently or formerly employed in, detailed to, assigned to, or issued an authorized conditional offer of employment for a position that requires access to classified information by an agency, including the following:

''(A) A member of the Armed Forces.

''(B) A civilian.

''(C) An expert or consultant with a contractual or personnel obligation to an agency.

''(D) Any other category of person who acts for or on behalf of an agency as determined by the head of the agency.

''(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).

''(4) NEED FOR ACCESS.—The term 'need for access' has such meaning as the President may define in the procedures established pursuant to section 801(a).

''(5) RECIPROCITY OF CLEARANCE.—The term 'reciprocity of clearance', with respect to a denial by an agency, means that the agency, with respect to a covered person—

''(A) failed to accept a security clearance background investigation as required by paragraph (1) of section 3001(d) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(d));

''(B) failed to accept a transferred security clearance background investigation required by paragraph (2) of such section;

''(C) subjected the covered person to an additional investigative or adjudicative requirement in violation of paragraph (3) of such section; or

''(D) conducted an investigation in violation of paragraph (4) of such section.

''(6) SECURITY EXECUTIVE AGENT.—The term 'Security Executive Agent' means the officer serving as the Security Executive Agent pursuant to section 803.

''(b) AGENCY REVIEW.—

''(1) IN GENERAL.—Not later than 180 days after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2021, each head of an agency shall, consistent with the interest of national security, establish and publish in the Federal Register a process by which a covered person to whom eligibility for access to classified information was denied or revoked by the agency or for whom reciprocity of clearance was denied by the agency can appeal that denial or revocation within the agency.

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

''(A) In the case of a covered person to whom eligibility for access to classified information or reciprocity of clearance is denied or revoked by an agency, the following:

''(i) The head of the agency shall provide the covered person with a written—

''(I) detailed explanation of the basis for the denial or revocation as the head of the agency determines is consistent with the interests of national security and as permitted by other applicable provisions of law; and

''(II) notice of the right of the covered person to a hearing and appeal under this subsection.

''(ii) Not later than 30 days after receiving a request from the covered person for copies of the documents that formed the basis of the agency's decision to revoke or deny, including the investigative file, the head of the agency shall provide to the covered person copies of such documents as—

''(I) the head of the agency determines is consistent with the interests of national security; and

''(II) permitted by other applicable provisions of law, including—

''(aa) section 552 of title 5, United States Code (commonly known as the 'Freedom of Information Act');

''(bb) section 552a of such title (commonly known as the 'Privacy Act of 1974'); and

''(cc) such other provisions of law relating to the protection of confidential sources and privacy of individuals.

''(iii)(I) The covered person shall have the opportunity to retain counsel or other representation at the covered person's expense.

''(II) Upon the request of the covered person, and a showing that the ability to review classified information is essential to the resolution of an appeal under this subsection, counsel or other representation retained under this clause shall be considered for access to classified information for the limited purposes of such appeal.

''(iv)(I) The head of the agency shall provide the covered person an opportunity, at a point in the process determined by the agency head—

''(aa) to appear personally before an adjudicative or other authority, other than the investigating entity, and to present to such authority relevant documents, materials, and information, including evidence that past problems relating to the denial or revocation have been overcome or sufficiently mitigated; and

''(bb) to call and cross-examine witnesses before such authority, unless the head of the agency determines that calling and cross-examining witnesses is not consistent with the interests of national security.

''(II) The head of the agency shall make, as part of the security record of the covered person, a written summary, transcript, or recording of any appearance under item (aa) of subclause (I) or of any calling or cross-examining of witnesses under item (bb) of such subclause.

''(v) On or before the date that is 30 days after the date on which the covered person receives copies of documents under clause (ii), the covered person may request a hearing of the decision to deny or revoke by filing a written appeal with the head of the agency.

''(B) A requirement that each review of a decision under this subsection is completed on average not later than 180 days after the date on which a hearing is requested under subparagraph (A)(v).

''(3) AGENCY REVIEW PANELS.—

''(A) IN GENERAL.—Each head of an agency shall establish a panel to hear and review appeals under this subsection.

''(B) MEMBERSHIP.—

''(i) COMPOSITION.—Each panel established by the head of an agency under subparagraph (A) shall be composed of at least three employees of the agency selected by the agency head, two of whom shall not be members of the security field.

''(ii) TERMS.—A term of service on a panel established by the head of an agency under subparagraph (A) shall not exceed 2 years.

''(C) DECISIONS.—

''(i) WRITTEN.—Each decision of a panel established under subparagraph (A) shall be in writing and contain a justification of the decision.

''(ii) CONSISTENCY.—Each head of an agency that establishes a panel under subparagraph (A) shall ensure that each decision of the panel is consistent with the interests of national security and applicable provisions of law.

''(iii) OVERTURN.—The head of an agency may overturn a decision of the panel if, not later than 30 days after the date on which the panel issues the decision, the agency head personally exercises the authority granted by this clause to overturn such decision.

''(iv) FINALITY.—Each decision of a panel established under subparagraph (A) or overturned pursuant to clause (iii) of this subparagraph shall be final.

''(D) ACCESS TO CLASSIFIED INFORMATION.—The head of an agency that establishes a panel under subparagraph (A) shall afford access to classified information to the members of the panel as the agency head determines—

''(i) necessary for the panel to hear and review an appeal under this subsection; and

''(ii) consistent with the interests of national security.

''(4) REPRESENTATION BY COUNSEL.—

''(A) IN GENERAL.—Each head of an agency shall ensure that, under this subsection, a covered person appealing a decision of the head's agency under this subsection has an opportunity to retain counsel or other representation at the covered person's expense.

''(B) ACCESS TO CLASSIFIED INFORMATION.—

''(i) IN GENERAL.—Upon the request of a covered person appealing a decision of an agency under this subsection and a showing that the ability to review classified information is essential to the resolution of the appeal under this subsection, the head of the agency shall sponsor an application by the counsel or other representation retained under this paragraph for access to classified information for the limited purposes of such appeal.

''(ii) EXTENT OF ACCESS.—Counsel or another representative who is cleared for access under this subparagraph may be afforded access to relevant classified materials to the extent consistent with the interests of national security.

''(5) PUBLICATION OF DECISIONS.—

''(A) IN GENERAL.—Each head of an agency shall publish each final decision on an appeal under this subsection.

''(B) REQUIREMENTS.—In order to ensure transparency, oversight by Congress, and meaningful information for those who need to understand how the clearance process works, each publication under subparagraph (A) shall be—

''(i) made in a manner that is consistent with section 552 of title 5, United States Code, as amended by the Electronic Freedom of Information Act Amendments of 1996 (Public Law 104–231);

''(ii) published to explain the facts of the case, redacting personally identifiable information and sensitive program information; and

''(iii) made available on a website that is searchable by members of the public.

''(c) PERIOD OF TIME FOR THE RIGHT TO APPEAL.—

''(1) IN GENERAL.—Except as provided in paragraph (2), any covered person who has been the subject of a decision made by the head of an agency to deny or revoke eligibility for access to classified information shall retain all rights to appeal under this section until the conclusion of the appeals process under this section.

''(2) WAIVER OF RIGHTS.—

''(A) PERSONS.—Any covered person may voluntarily waive the covered person's right to appeal under this section and such waiver shall be conclusive.

''(B) AGENCIES.—The head of an agency may not require a covered person to waive the covered person's right to appeal under this section for any reason.

''(d) WAIVER OF AVAILABILITY OF PROCEDURES FOR NATIONAL SECURITY INTEREST.—

''(1) IN GENERAL.—If the head of an agency determines that a procedure established under subsection (b) cannot be made available to a covered person in an exceptional case without damaging a national security interest of the United States by revealing classified information, such procedure shall not be made available to such covered person.

''(2) FINALITY.—A determination under paragraph (1) shall be final and conclusive and may not be reviewed by any other official or by any court.

''(3) REPORTING.—

''(A) CASE-BY-CASE.—

''(i) IN GENERAL.—In each case in which the head of an agency determines under paragraph (1) that a procedure established under subsection (b) cannot be made available to a covered person, the agency head shall, not later than 30 days after the date on which the agency head makes such determination, submit to the Security Executive Agent and to the congressional intelligence committees a report stating the reasons for the determination.

''(ii) FORM.—A report submitted under clause (i) may be submitted in classified form as necessary.

''(B) ANNUAL REPORTS.—

''(i) IN GENERAL.—Not less frequently than once each fiscal year, the Security Executive Agent shall submit to the congressional intelligence committees a report on the determinations made under paragraph (1) during the previous fiscal year.

''(ii) CONTENTS.—Each report submitted under clause (i) shall include, for the period covered by the report, the following:

''(I) The number of cases and reasons for determinations made under paragraph (1), disaggregated by agency.

''(II) Such other matters as the Security Executive Agent considers appropriate.

''(e) DENIALS AND REVOCATIONS UNDER OTHER PROVISIONS OF LAW.—

''(1) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit or affect the responsibility and power of the head of an agency to deny or revoke eligibility for access to classified information or to deny reciprocity of clearance in the interest of national security.

''(2) DENIALS AND REVOCATION.—The power and responsibility to deny or revoke eligibility for access to classified information or to deny reciprocity of clearance pursuant to any other provision of law or Executive order may be exercised only when the head of an agency determines that an applicable process established under this section cannot be invoked in a manner that is consistent with national security.

''(3) FINALITY.—A determination under paragraph (2) shall be final and conclusive and may not be reviewed by any other official or by any court.

''(4) REPORTING.—

''(A) CASE-BY-CASE.—

''(i) IN GENERAL.—In each case in which the head of an agency determines under paragraph (2) that a determination relating to a denial or revocation of eligibility for access to classified information or denial of reciprocity of clearance could not be made pursuant to a process established under this section, the agency head shall, not later than 30 days after the date on which the agency head makes such a determination under paragraph (2), submit to the Security Executive Agent and to the congressional intelligence committees a report stating the reasons for the determination.

''(ii) FORM.—A report submitted under clause (i) may be submitted in classified form as necessary.

''(B) ANNUAL REPORTS.—

''(i) IN GENERAL.—Not less frequently than once each fiscal year, the Security Executive Agent shall submit to the congressional intelligence committees a report on the determinations made under paragraph (2) during the previous fiscal year.

''(ii) CONTENTS.—Each report submitted under clause (i) shall include, for the period covered by the report, the following:

''(I) The number of cases and reasons for determinations made under paragraph (2), disaggregated by agency.

''(II) Such other matters as the Security Executive Agent considers appropriate.

''(f) RELATIONSHIP TO SUITABILITY.—No person may use a determination of suitability under part 731 of title 5, Code of Federal Regulations, or successor regulation, for the purpose of denying a covered person the review proceedings of this section where there has been a denial or revocation of eligibility for access to classified information or a denial of reciprocity of clearance.

''(g) PRESERVATION OF ROLES AND RESPONSIBILITIES UNDER EXECUTIVE ORDER 10865 AND OF THE DEFENSE OFFICE OF HEARINGS AND APPEALS.—Nothing in this section shall be construed to diminish or otherwise affect the procedures in effect on the day before the date of the enactment of this Act for denial and revocation procedures provided to individuals by Executive Order 10865 (50 U.S.C. 3161 note; relating to safeguarding classified information within industry), or successor order, including those administered through the Defense Office of Hearings and Appeals of the Department of Defense under Department of Defense Directive 5220.6, or successor directive.

''(h) RULE OF CONSTRUCTION RELATING TO CERTAIN OTHER PROVISIONS OF LAW.—This section and the processes and procedures established under this section shall not be construed to apply to paragraphs (6) and (7) of section 3001(j) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(j)).''.

(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), as amended by subsection (c), is further amended by inserting after the item relating to section 801A the following:

''Sec. 801B. Right to appeal.''.

SEC. 402. ESTABLISHING PROCESS PARITY FOR SECURITY CLEARANCE REVOCATIONS.

Subparagraph (C) of section 3001(j)(4) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(j)(4)) is amended to read as follows:

''(C) BURDENS OF PROOF.—

''(i) IN GENERAL.—Subject to clause (iii), in determining whether the adverse security clearance or access determination violated paragraph (1), the agency shall find that paragraph (1) was violated if the individual has demonstrated that a disclosure described in paragraph (1) was a contributing factor in the adverse security clearance or access determination taken against the individual.

''(ii) CIRCUMSTANTIAL EVIDENCE.—An individual under clause (i) may demonstrate that the disclosure was a contributing factor in the adverse security clearance or access determination taken against the individual through circumstantial evidence, such as evidence that—

''(I) the official making the determination knew of the disclosure; and

''(II) the determination occurred within a period such that a reasonable person could conclude that the disclosure was a contributing factor in the determination.

''(iii) DEFENSE.—In determining whether the adverse security clearance or access determination violated paragraph (1), the agency shall not find that paragraph (1) was violated if, after a finding that a disclosure was a contributing factor, the agency demonstrates by clear and convincing evidence that it would have made the same security clearance or access determination in the absence of such disclosure.''.

SEC. 403. FEDERAL POLICY ON SHARING OF DEROGATORY INFORMATION PERTAINING TO CONTRACTOR EMPLOYEES IN THE TRUSTED WORKFORCE.

(a) POLICY REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Security Executive Agent, in coordination with the principal members of the Performance Accountability Council and the Attorney General, shall issue a policy for the Federal Government on sharing of derogatory information pertaining to contractor employees engaged by the Federal Government.

(b) CONSENT REQUIREMENT.—

(1) IN GENERAL.—The policy issued under subsection (a) shall require, as a condition of accepting a security clearance with the Federal Government, that a contractor employee provide prior written consent for the Federal Government to share covered derogatory information with the chief security officer of the contractor employer that employs the contractor employee.

(2) COVERED DEROGATORY INFORMATION.—For purposes of this section, covered derogatory information—

(A) is information that—

(i) contravenes National Security Adjudicative Guidelines as specified in Security Executive Agent Directive 4 (10 C.F.R. 710 app. A), or any successor Federal policy;

(ii) a Federal Government agency certifies is accurate and reliable;

(iii) is relevant to a contractor's ability to protect against insider threats as required by section 1–202 of the National Industrial Security Program Operating Manual (NISPOM), or successor manual; and

(iv) may have a bearing on the contractor employee's suitability for a position of public trust or to receive credentials to access certain facilities of the Federal Government; and

(B) shall include any negative information considered in the adjudicative process, including information provided by the contractor employee on forms submitted for the processing of the contractor employee's security clearance.

(c) ELEMENTS.—The policy issued under subsection (a) shall—

(1) require Federal agencies, except under exceptional circumstances specified by the Security Executive Agent, to share with the contractor employer of a contractor employee engaged with the Federal Government the existence of potentially derogatory information and which National Security Adjudicative Guideline it falls under, with the exception that the Security Executive Agent may waive such requirement in circumstances the Security Executive Agent considers extraordinary;

(2) require that covered derogatory information shared with a contractor employer as described in subsection (b)(1) be used by the contractor employer exclusively for risk mitigation purposes under section 1–202 of the National Industrial Security Program Operating Manual, or successor manual;

(3) require Federal agencies to share any mitigation measures in place to address the derogatory information;

(4) establish standards for timeliness for sharing the derogatory information;

(5) specify the methods by which covered derogatory information will be shared with the contractor employer of the contractor employee;

(6) allow the contractor employee, within a specified timeframe, the right—

(A) to contest the accuracy and reliability of covered derogatory information;

(B) to address or remedy any concerns raised by the covered derogatory information; and

(C) to provide documentation pertinent to subparagraph (A) or (B) for an agency to place in relevant security clearance databases;

(7) establish a procedure by which the contractor employer of the contractor employee may consult with the Federal Government prior to taking any remedial action under section 1–202 of the National Industrial Security Program Operating Manual, or successor manual, to address the derogatory information the Federal agency has provided;

(8) stipulate that the chief security officer of the contractor employer is prohibited from sharing or discussing covered derogatory information with other parties, including nonsecurity professionals at the contractor employer; and

(9) require companies in the National Industrial Security Program to comply with the policy.

(d) CONSIDERATION OF LESSONS LEARNED FROM INFORMATION-SHARING PROGRAM FOR POSITIONS OF TRUST AND SECURITY CLEARANCES.—In developing the policy issued under subsection (a), the Director shall consider, to the extent available, lessons learned from actions taken to carry out section 6611(f) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92).

TITLE V—REPORTS AND OTHER MATTERS

Subtitle A—Wireless Supply Chain Innovation and Multilateral Security

SEC. 501. DEFINITIONS.

In this subtitle:

(1) 3GPP.—The term ''3GPP'' means the Third Generation Partnership Project.

(2) 5G NETWORK.—The term ''5G network'' means a radio network as described by 3GPP Release 15 or higher.

(3) COMMISSION.—The term ''Commission'' means the Federal Communications Commission.

(4) NTIA ADMINISTRATOR.—The term ''NTIA Administrator'' means the Assistant Secretary of Commerce for Communications and Information.

(5) OPEN-RAN.—The term ''Open-RAN'' means the Open Radio Access Network approach to standardization adopted by the O-RAN Alliance, Telecom Infra Project, or 3GPP, or any similar set of open standards for multi-vendor network equipment interoperability.

(6) RELEVANT COMMITTEES OF CONGRESS.—The term ''relevant committees of Congress'' means—

(A) the Select Committee on Intelligence of the Senate;

(B) the Committee on Foreign Relations of the Senate;

(C) the Committee on Homeland Security and Governmental Affairs of the Senate;

(D) the Committee on Armed Services of the Senate;

(E) the Committee on Commerce, Science, and Transportation of the Senate;

(F) the Committee on Appropriations of the Senate;

(G) the Permanent Select Committee on Intelligence of the House of Representatives;

(H) the Committee on Foreign Affairs of the House of Representatives;

(I) the Committee on Homeland Security of the House of Representatives;

(J) the Committee on Armed Services of the House of Representatives;

(K) the Committee on Energy and Commerce of the House of Representatives; and

(L) the Committee on Appropriations of the House of Representatives.

SEC. 502. COMMUNICATIONS TECHNOLOGY SECURITY FUNDS.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated for fiscal years 2021 through 2031—

(A) $50,000,000 for the Public Wireless Supply Chain Innovation Fund established under subsection (b) of this section; and

(B) $25,000,000 for the Multilateral Telecommunications Security Fund established under subsection (c) of this section.

(2) AVAILABILITY.—Amounts made available under paragraph (1) shall remain available through fiscal year 2031.

(b) PUBLIC WIRELESS SUPPLY CHAIN INNOVATION FUND.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—There is established in the Treasury of the United States a trust fund to be known as the ''Public Wireless Supply Chain Innovation Fund'' (referred to in this subsection as the ''R&D Fund'').

(B) AVAILABILITY.—

(i) IN GENERAL.—Amounts deposited in the R&D Fund shall remain available through the end of the tenth fiscal year beginning after the date of enactment of this Act.

(ii) REMAINDER TO TREASURY.—Any amounts remaining in the R&D Fund after the end of the tenth fiscal year beginning after the date of enactment of this Act shall be deposited in the general fund of the Treasury.

(2) USE OF FUND.—

(A) IN GENERAL.—Amounts appropriated to the R&D Fund shall be available to the NTIA Administrator to make grants under this subsection in such amounts as the NTIA Administrator determines appropriate, subject to clause (ii) of this subparagraph.

(B) LIMITATION ON GRANT AMOUNTS.—The amount of a grant awarded under this subsection to a recipient for a specific research focus area may not exceed $50,000,000.

(3) ADMINISTRATION OF FUND.—The NTIA Administrator, in consultation with the Commission, the Director of the National Institute of Standards and Technology, the Secretary of Homeland Security, the Secretary of Defense, and the Director of the Intelligence Advanced Research Projects Activity of the Office of the Director of National Intelligence, shall establish criteria for grants awarded under this subsection, and administer the R&D Fund, to support research and the commercial application of that research, including in the following areas:

(A) Promoting the development of technology, including software, hardware, and microprocessing technology, that will enhance competitiveness in the fifth-generation (commonly known as ''5G'') and successor wireless technology supply chains.

(B) Accelerating development and deployment of open interface standards-based compatible, interoperable equipment, such as equipment developed pursuant to the standards set forth by organizations such as the O-RAN Alliance, the Telecom Infra Project, 3GPP, the Open-RAN Software Community, or any successor organizations.

(C) Promoting compatibility of new 5G equipment with future open standards-based, interoperable equipment.

(D) Managing integration of multi-vendor network environments.

(E) Objective criteria to define equipment as compliant with open standards for multi-vendor network equipment interoperability.

(F) Promoting development and inclusion of security features enhancing the integrity and availability of equipment in multi-vendor networks.

(G) Promoting the application of network function virtualization to facilitate multi-vendor interoperability and a more diverse vendor market.

(4) TIMING.—Not later than 1 year after the date of enactment of this Act, the NTIA Administrator shall begin awarding grants under this subsection.

(5) FEDERAL ADVISORY BODY.—

(A) ESTABLISHMENT.—The NTIA Administrator shall establish a Federal advisory committee, in accordance with the Federal Advisory Committee Act (5 U.S.C. App.), composed of government and private sector experts, to advise the NTIA Administrator on the administration of the R&D Fund.

(B) COMPOSITION.—The advisory committee established under subparagraph (A) shall be composed of—

(i) representatives from—

(I) the Commission;

(II) the Department of Defense;

(III) the Intelligence Advanced Research Projects Activity of the Office of the Director of National Intelligence;

(IV) the National Institute of Standards and Technology;

(V) the Department of State;

(VI) the National Science Foundation; and

(VII) the Department of Homeland Security; and

(ii) other representatives from the private and public sectors, at the discretion of the NTIA Administrator.

(C) DUTIES.—The advisory committee established under subparagraph (A) shall advise the NTIA Administrator on technology developments to help inform—

(i) the strategic direction of the R&D Fund; and

(ii) efforts of the Federal Government to promote a more secure, diverse, sustainable, and competitive supply chain.

(6) REPORTS TO CONGRESS.—

(A) INITIAL REPORT.—Not later than 180 days after the date of enactment of this Act, the NTIA Administrator shall submit to the relevant committees of Congress a report with—

(i) additional recommendations on promoting the competitiveness and sustainability of trusted suppliers in the wireless supply chain; and

(ii) any additional authorities needed to facilitate the timely adoption of open standards-based equipment, including authority to provide loans, loan guarantees, and other forms of credit extension that would maximize the use of designated funds.

(B) ANNUAL REPORT.—For each fiscal year for which amounts in the R&D Fund are available under this subsection, the NTIA Administrator shall submit to Congress a report that—

(i) describes how, and to whom, amounts in the R&D Fund have been deployed;

(ii) details the progress of the NTIA Administrator in meeting the objectives described in paragraph (3); and

(iii) includes any additional information that the NTIA Administrator determines appropriate.

(c) MULTILATERAL TELECOMMUNICATIONS SECURITY FUND.—

(1) ESTABLISHMENT OF FUND.—

(A) IN GENERAL.—There is established in the Treasury of the United States a trust fund to be known as the ''Multilateral Telecommunications Security Fund''.

(B) USE OF FUND.—Amounts appropriated to the Multilateral Telecommunications Security Fund shall be available to the Secretary of State to make expenditures under this subsection in such amounts as the Secretary of State determines appropriate.

(C) AVAILABILITY.—

(i) IN GENERAL.—Amounts deposited in the Multilateral Telecommunications Security Fund—

(I) shall remain available through the end of the tenth fiscal year beginning after the date of enactment of this Act; and

(II) may only be allocated upon the Secretary of State reaching an agreement with foreign government partners to participate in the common funding mechanism described in paragraph (2).

(ii) REMAINDER TO TREASURY.—Any amounts remaining in the Multilateral Telecommunications Security Fund after the end of the tenth fiscal year beginning after the date of enactment of this Act shall be deposited in the general fund of the Treasury.

(2) ADMINISTRATION OF FUND.—The Secretary of State, in consultation with the NTIA Administrator, the Secretary of Homeland Security, the Secretary of Defense, the Secretary of the Treasury, the Director of National Intelligence, and the Commission, shall establish a common funding mechanism, in coordination with foreign partners, that uses amounts from the Multilateral Telecommunications Security Fund to support the development and adoption of secure and trusted telecommunications technologies.

(3) ANNUAL REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for each fiscal year during which amounts in the Multilateral Telecommunications Security Fund are available, the Secretary of State shall submit to the relevant committees of Congress a report on the status and progress of the funding mechanism established under paragraph (2), including—

(A) any funding commitments from foreign partners, including each specific amount committed;

(B) governing criteria for use of the Multilateral Telecommunications Security Fund;

(C) an account of—

(i) how, and to whom, funds have been deployed;

(ii) amounts remaining in the Multilateral Telecommunications Security Fund; and

(iii) the progress of the Secretary of State in meeting the objective described in paragraph (2); and

(D) additional authorities needed to enhance the effectiveness of the Multilateral Telecommunications Security Fund in achieving the security goals of the United States.

SEC. 503. PROMOTING UNITED STATES LEADERSHIP IN INTERNATIONAL ORGANIZATIONS AND COMMUNICATIONS STANDARDS-SETTING BODIES.

(a) IN GENERAL.—The Secretary of State, the Secretary of Commerce, and the Chairman of the Commission, or their designees, shall consider how to enhance representation of the United States at international forums that set standards for 5G networks and for future generations of wireless communications networks, including—

(1) the International Telecommunication Union (commonly known as ''ITU'');

(2) the International Organization for Standardization (commonly known as ''ISO'');

(3) the Inter-American Telecommunications Commission (commonly known as ''CITEL''); and

(4) the voluntary standards organizations that develop protocols for wireless devices and other equipment, such as the 3GPP and the Institute of Electrical and Electronics Engineers (commonly known as ''IEEE'').

(b) ANNUAL REPORT.—The Secretary of State, the Secretary of Commerce, and the Chairman of the Commission shall jointly submit to the relevant committees of Congress an annual report on the progress made under subsection (a).

Subtitle B—Reports and Other Matters

SEC. 511. REPORT ON ATTEMPTS BY FOREIGN ADVERSARIES TO BUILD TELECOMMUNICATIONS AND CYBERSECURITY EQUIPMENT AND SERVICES FOR, OR TO PROVIDE SUCH EQUIPMENT AND SERVICES TO, CERTAIN ALLIES OF THE UNITED STATES.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) FIVE EYES COUNTRY.—The term ''Five Eyes country'' means any of the following:

(A) Australia.

(B) Canada.

(C) New Zealand.

(D) The United Kingdom.

(E) The United States.

(b) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency, the Director of the National Security Agency, and the Director of the Defense Intelligence Agency shall jointly submit to the appropriate committees of Congress a report on attempts by foreign adversaries to build telecommunications and cybersecurity equipment and services for, or to provide such equipment and services to, Five Eyes countries.

(c) ELEMENTS.—The report submitted under subsection (b) shall include the following:

(1) An assessment of United States intelligence sharing and intelligence and military force posture in any Five Eyes country that currently uses or intends to use telecommunications or cybersecurity equipment or services provided by a foreign adversary of the United States, including China and Russia.

(2) A description and assessment of mitigation of any potential compromises or risks for any circumstance described in paragraph (1).

(d) FORM.—The report required by subsection (b) shall include an unclassified executive summary, and may include a classified annex.

SEC. 512. REPORT ON THREATS POSED BY USE BY FOREIGN GOVERNMENTS AND ENTITIES OF COMMERCIALLY AVAILABLE CYBER INTRUSION AND SURVEILLANCE 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 the threats posed by the use by foreign governments and entities of commercially available cyber intrusion and other surveillance technology.

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

(1) Matters relating to threats described in subsection (a) as they pertain to the following:

(A) The threat posed to United States persons and persons inside the United States.

(B) The threat posed to United States personnel overseas.

(C) The threat posed to employees of the Federal Government, including through both official and personal accounts and devices.

(2) A description of which foreign governments and entities pose the greatest threats from the use of technology described in subsection (a) and the nature of those threats.

(3) An assessment of the source of the commercially available cyber intrusion and other surveillance technology that poses the threats described in subsection (a), including whether such technology is made by United States companies or companies in the United States or by foreign companies.

(4) An assessment of actions taken, as of the date of the enactment of this Act, by the Federal Government and foreign governments to limit the export of technology described in subsection (a) from the United States or foreign countries to foreign governments and entities in ways that pose the threats described in such subsection.

(5) Matters relating to how the Federal Government, Congress, and foreign governments can most effectively mitigate the threats described in subsection (a), including matters relating to the following:

(A) Working with the technology and telecommunications industry to identify and improve the security of consumer software and hardware used by United States persons and persons inside the United States that is targeted by commercial cyber intrusion and surveillance software.

(B) Export controls.

(C) Diplomatic pressure.

(D) Trade agreements.

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

SEC. 513. REPORTS ON RECOMMENDATIONS OF THE CYBERSPACE SOLARIUM COMMISSION.

(a) APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services, the Select Committee on Intelligence, the Committee on Homeland Security and Governmental Affairs, the Committee on Commerce, Science, and Transportation, and the Committee on Energy and Natural Resources of the Senate; and

(2) the Committee on Armed Services, the Permanent Select Committee on Intelligence, the Committee on Homeland Security, the Committee on Science, Space, and Technology, and the Committee on Energy and Commerce of the House of Representatives.

(b) REPORTS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, each head of an agency described in subsection (c) shall submit to the appropriate committees of Congress a report on the recommendations included in the report issued by the Cyberspace Solarium Commission under section 1652(k) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232).

(c) AGENCIES DESCRIBED.—The agencies described in this subsection are the following:

(1) The Office of the Director of National Intelligence.

(2) The Department of Homeland Security.

(3) The Department of Energy.

(4) The Department of Commerce.

(5) The Department of Defense.

(d) CONTENTS.—Each report submitted under subsection (b) by the head of an agency described in subsection (c) shall include the following:

(1) An evaluation of the recommendations in the report described in subsection (b) that the agency identifies as pertaining directly to the agency.

(2) A description of the actions taken, or the actions that the head of the agency may consider taking, to implement any of the recommendations (including a comprehensive estimate of requirements for appropriations to take such actions).

SEC. 514. ASSESSMENT OF CRITICAL TECHNOLOGY TRENDS RELATING TO ARTIFICIAL INTELLIGENCE, MICROCHIPS, AND SEMICONDUCTORS AND RELATED SUPPLY CHAINS.

(a) ASSESSMENT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall complete a detailed assessment of critical technology trends relating to artificial intelligence, microchips, and semiconductors and related supply chains.

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

(1) EXPORT CONTROLS.—

(A) IN GENERAL.—An assessment of efforts by partner countries to enact and implement export controls and other technology transfer measures with respect to artificial intelligence, microchips, advanced manufacturing equipment, and other artificial intelligence enabled technologies critical to United States supply chains.

(B) IDENTIFICATION OF OPPORTUNITIES FOR COOPERATION.—The assessment under subparagraph (A) shall identify opportunities for further cooperation with international partners on a multilateral and bilateral basis to strengthen export control regimes and address technology transfer threats.

(2) SEMICONDUCTOR SUPPLY CHAINS.—

(A) IN GENERAL.—An assessment of global semiconductor supply chains, including areas to reduce United States vulnerabilities and maximize points of leverage.

(B) ANALYSIS OF POTENTIAL EFFECTS.—The assessment under subparagraph (A) shall include an analysis of the potential effects of significant geopolitical shifts, including those related to Taiwan.

(C) IDENTIFICATION OF OPPORTUNITIES FOR DIVERSIFICATION.—The assessment under subparagraph (A) shall also identify opportunities for diversification of United States supply chains, including an assessment of cost, challenges, and opportunities to diversify manufacturing capabilities on a multinational basis.

(3) COMPUTING POWER.—An assessment of trends relating to computing power and the effect of such trends on global artificial intelligence development and implementation, in consultation with the Director of the Intelligence Advanced Research Projects Activity, the Director of the Defense Advanced Research Projects Agency, and the Director of the National Institute of Standards and Technology, including forward-looking assessments of how computing resources may affect United States national security, innovation, and implementation relating to artificial intelligence.

(c) REPORT.—

(1) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this subsection, the term ''appropriate committees of Congress'' means—

(A) the Select Committee on Intelligence, the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Foreign Relations of the Senate; and

(B) the Permanent Select Committee on Intelligence, the Committee on Armed Services, the Committee on Financial 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 shall submit to the appropriate committees of Congress a report on the findings of the Director with respect to the assessment completed under subsection (a).

(3) FORM.—The report submitted under paragraph (2) shall be submitted in unclassified form, but may include a classified annex.

SEC. 515. COMBATING CHINESE INFLUENCE OPERATIONS IN THE UNITED STATES AND STRENGTHENING CIVIL LIBERTIES PROTECTIONS.

(a) UPDATES TO ANNUAL REPORTS ON INFLUENCE OPERATIONS AND CAMPAIGNS IN THE UNITED STATES BY THE CHINESE COMMUNIST PARTY.—Section 1107(b) of the National Security Act of 1947 (50 U.S.C. 3237(b)) is amended—

(1) by redesignating paragraph (8) as paragraph (9); and

(2) by inserting after paragraph (7) the following:

''(8) An identification of influence activities and operations employed by the Chinese Communist Party against the United States science and technology sectors, specifically employees of the United States Government, researchers, scientists, and students in the science and technology sector in the United States.''.

(b) PLAN FOR FEDERAL BUREAU OF INVESTIGATION TO INCREASE PUBLIC AWARENESS AND DETECTION OF INFLUENCE ACTIVITIES BY THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA.—

(1) PLAN REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to the congressional intelligence committees a plan—

(A) to increase public awareness of influence activities by the Government of the People's Republic of China; and

(B) to publicize mechanisms that members of the public can use—

(i) to detect such activities; and

(ii) to report such activities to the Bureau.

(2) CONSULTATION.—In carrying out paragraph (1), the Director shall consult with the following:

(A) The Director of the Office of Science and Technology Policy.

(B) Such other stakeholders outside the intelligence community, including professional associations, institutions of higher education, businesses, and civil rights and multicultural organizations, as the Director determines relevant.

(c) RECOMMENDATIONS OF THE FEDERAL BUREAU OF INVESTIGATION TO STRENGTHEN RELATIONSHIPS AND BUILD TRUST WITH COMMUNITIES OF INTEREST.—

(1) IN GENERAL.—The Director of the Federal Bureau of Investigation, in consultation with the Assistant Attorney General for the Civil Rights Division and the Chief Privacy and Civil Liberties Officer of the Department of Justice, shall develop recommendations to strengthen relationships with communities targeted by influence activities of the Government of the People's Republic of China and build trust with such communities through local and regional grassroots outreach.

(2) SUBMITTAL TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Director shall submit to Congress the recommendations developed under paragraph (1).

(d) TECHNICAL CORRECTIONS.—The National Security Act of 1947 (50 U.S.C. 3001 et seq.) is amended—

(1) in section 1107 (50 U.S.C. 3237)—

(A) in the section heading, by striking ''**COMMUNIST PARTY OF CHINA**'' and inserting ''**CHINESE COMMUNIST PARTY**''; and

(B) by striking ''Communist Party of China'' both places it appears and inserting ''Chinese Communist Party''; and

(2) in the table of contents before section 2 (50 U.S.C. 3002), by striking the item relating to section 1107 and inserting the following new item:

''Sec. 1107. Annual reports on influence operations and campaigns in the United States by the Chinese Communist Party.''.

SEC. 516. ANNUAL REPORT ON CORRUPT ACTIVITIES OF SENIOR OFFICIALS OF THE CHINESE COMMUNIST PARTY.

(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Banking, Housing, and Urban Affairs, the Committee on Finance, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Financial Services, the Committee on Foreign Affairs, the Committee on Ways and Means, and the Permanent Select Committee on Intelligence of the House of Representatives.

(b) ANNUAL REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter through 2025, the Director of the Central Intelligence Agency shall submit to the appropriate committees of Congress a report on the corruption and corrupt activities of senior officials of the Chinese Communist Party.

(2) ELEMENTS.—

(A) IN GENERAL.—Each report under paragraph (1) shall include the following:

(i) A description of the wealth of, and corruption and corrupt activities among, senior officials of the Chinese Communist Party.

(ii) A description of any recent actions of the officials described in clause (i) that could be considered a violation, or potential violation, of United States law.

(iii) A description and assessment of targeted financial measures, including potential targets for designation of the officials described in clause (i) for the corruption and corrupt activities described in that clause and for the actions described in clause (ii).

(B) SCOPE OF REPORTS.—The first report under paragraph (1) shall include comprehensive information on the matters described in subparagraph (A). Any succeeding report under paragraph (1) may consist of an update or supplement to the preceding report under that subsection.

(3) COORDINATION.—In preparing each report, update, or supplement under this subsection, the Director of the Central Intelligence Agency shall coordinate as follows:

(A) In preparing the description required by clause (i) of paragraph (2)(A), the Director of the Central Intelligence Agency shall coordinate with the head of the Office of Intelligence and Analysis of the Department of the Treasury and the Director of the Federal Bureau of Investigation.

(B) In preparing the descriptions required by clauses (ii) and (iii) of such paragraph, the Director of the Central Intelligence Agency shall coordinate with the head of the Office of Intelligence and Analysis of the Department of the Treasury.

(4) FORM.—Each report under paragraph (1) shall include an unclassified executive summary, and may include a classified annex.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the United States should undertake every effort and pursue every opportunity to expose the corruption and illicit practices of senior officials of the Chinese Communist Party, including President Xi Jinping.

SEC. 517. REPORT ON CORRUPT ACTIVITIES OF RUSSIAN AND OTHER EASTERN EUROPEAN OLIGARCHS.

(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Banking, Housing, and Urban Affairs, the Committee on Finance, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Financial Services, the Committee on Foreign Affairs, the Committee on Ways and Means, and the Permanent Select Committee on Intelligence of the House of Representatives.

(b) REPORT REQUIRED.—Not later than 100 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall submit to the appropriate committees of Congress and the Undersecretary of State for Public Diplomacy and Public Affairs a report on the corruption and corrupt activities of Russian and other Eastern European oligarchs.

(c) ELEMENTS.—

(1) IN GENERAL.—Each report under subsection (b) shall include the following:

(A) A description of corruption and corrupt activities among Russian and other Eastern European oligarchs who support the Government of the Russian Federation, including estimates of the total assets of such oligarchs.

(B) An assessment of the impact of the corruption and corrupt activities described pursuant to subparagraph (A) on the economy and citizens of Russia.

(C) A description of any connections to, or support of, organized crime, drug smuggling, or human trafficking by an oligarch covered by subparagraph (A).

(D) A description of any information that reveals corruption and corrupt activities in Russia among oligarchs covered by subparagraph (A).

(E) A description and assessment of potential sanctions actions that could be imposed upon oligarchs covered by subparagraph (A) who support the leadership of the Government of Russia, including President Vladimir Putin.

(2) SCOPE OF REPORTS.—The first report under subsection (a) shall include comprehensive information on the matters described in paragraph (1). Any succeeding report under subsection (a) may consist of an update or supplement to the preceding report under that subsection.

(d) COORDINATION.—In preparing each report, update, or supplement under this section, the Director of the Central Intelligence Agency shall coordinate as follows:

(1) In preparing the assessment and descriptions required by subparagraphs (A) through (D) of subsection (c)(1), the Director of the Central Intelligence Agency shall coordinate with the head of the Office of Intelligence and Analysis of the Department of the Treasury and the Director of the Federal Bureau of Investigation.

(2) In preparing the description and assessment required by subparagraph (E) of such subsection, the Director of the Central Intelligence Agency shall coordinate with the head of the Office of Intelligence and Analysis of the Department of the Treasury.

(e) FORM.—

(1) IN GENERAL.—Subject to paragraph (2), each report under subsection (b) shall include an unclassified executive summary, and may include a classified annex.

(2) UNCLASSIFIED FORM OF CERTAIN INFORMATION.—The information described in subsection (c)(1)(D) in each report under subsection (b) shall be submitted in unclassified form.

SEC. 518. REPORT ON BIOSECURITY RISK AND DISINFORMATION BY THE CHINESE COMMUNIST PARTY AND THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Select Committee on Intelligence, the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Health, Education, Labor, and Pensions, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Permanent Select Committee on Intelligence, the Committee on Armed Services, the Committee on Energy and Commerce, the Committee on Foreign Affairs, and the Committee on Homeland Security of the House of Representatives.

(2) CRITICAL INFRASTRUCTURE.—The term ''critical infrastructure'' has the meaning given such term in section 1016(e) of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 (42 U.S.C. 5195c(e)).

(b) REPORT REQUIRED.—Not later than 90 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 identifying whether and how officials of the Chinese Communist Party and the Government of the People's Republic of China may have sought—

(1) to suppress information about—

(A) the outbreak of the novel coronavirus in Wuhan;

(B) the spread of the virus through China; and

(C) the transmission of the virus to other countries;

(2) to spread disinformation relating to the pandemic; or

(3) to exploit the pandemic to advance their national security interests.

(c) ASSESSMENTS.—The report required by subsection (b) shall include assessments of reported actions and the effect of those actions on efforts to contain the novel coronavirus pandemic, including each of the following:

(1) The origins of the novel coronavirus outbreak, the time and location of initial infections, and the mode and speed of early viral spread.

(2) Actions taken by the Government of China to suppress, conceal, or misinform the people of China and those of other countries about the novel coronavirus outbreak in Wuhan.

(3) The effect of disinformation or the failure of the Government of China to fully disclose details of the outbreak on response efforts of local governments in China and other countries.

(4) Diplomatic, political, economic, intelligence, or other pressure on other countries and international organizations to conceal information about the spread of the novel coronavirus and the response of the Government of China to the contagion, as well as to influence or coerce early responses to the pandemic by other countries.

(5) Efforts by officials of the Government of China to deny access to health experts and international health organizations to afflicted individuals in Wuhan, pertinent areas of the city, or laboratories of interest in China, including the Wuhan Institute of Virology.

(6) Efforts by the Government of China, or those acting at its direction or with its assistance, to conduct cyber operations against international, national, or private health organizations conducting research relating to the novel coronavirus or operating in response to the pandemic.

(7) Efforts to control, restrict, or manipulate relevant segments of global supply chains, particularly in the sale, trade, or provision of relevant medicines, medical supplies, or medical equipment as a result of the pandemic.

(8) Efforts to advance the economic, intelligence, national security, and political objectives of the Government of China by exploiting vulnerabilities of foreign governments, economies, and companies under financial duress as a result of the pandemic or to accelerate economic espionage and intellectual property theft.

(9) Efforts to exploit the disruption of the pharmaceutical and telecommunications industries as well as other industries tied to critical infrastructure and bilateral trade between China and the United States and between China and allies and partners of the United States in order to advance the economic and political objectives of the Government of China following the pandemic.

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

SEC. 519. REPORT ON EFFECT OF LIFTING OF UNITED NATIONS ARMS EMBARGO ON ISLAMIC REPUBLIC OF IRAN.

(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Select Committee on Intelligence, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate; and

(2) the Permanent Select Committee on Intelligence, the Committee on Armed Services, and the Committee on Foreign Affairs of the House of Representatives.

(b) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Director of the Defense Intelligence Agency, in consultation with such heads of other elements of the intelligence community as the Director considers appropriate, shall submit to the appropriate committees of Congress a report on—

(1) the plans of the Government of the Islamic Republic of Iran to acquire military arms if the ban on arms transfers to or from such government under United Nations Security Council resolutions are lifted; and

(2) the effect such arms acquisitions may have on regional security and stability.

(c) CONTENTS.—The report submitted under subsection (b) shall include assessments relating to plans of the Government of the Islamic Republic of Iran to acquire additional weapons, the intention of other countries to provide such weapons, and the effect such acquisition and provision would have on regional stability, including with respect to each of the following:

(1) The type and quantity of weapon systems under consideration for acquisition.

(2) The countries of origin of such systems.

(3) Likely reactions of other countries in the region to such acquisition, including the potential for proliferation by other countries in response.

(4) The threat that such acquisition could present to international commerce and energy supplies in the region, and the potential implications for the national security of the United States.

(5) The threat that such acquisition could present to the Armed Forces of the United States, of countries allied with the United States, and of countries partnered with the United States stationed in or deployed in the region.

(6) The potential that such acquisition could be used to deliver chemical, biological, or nuclear weapons.

(7) The potential for the Government of the Islamic Republic of Iran to proliferate weapons acquired in the absence of an arms embargo to regional groups, including Shi'a militia groups backed by such government.

(d) FORM.—The report submitted under subsection (b) shall be submitted in unclassified form, but may include a classified annex.

SEC. 520. REPORT ON IRANIAN ACTIVITIES RELATING TO NUCLEAR NONPROLIFERATION.

(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Select Committee on Intelligence, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate; and

(2) the Permanent Select Committee on Intelligence, the Committee on Armed Services, and the Committee on Foreign Affairs of the House of Representatives.

(b) REPORT REQUIRED.—Not later than 90 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 assessing—

(1) any relevant activities potentially relating to nuclear weapons research and development by the Islamic Republic of Iran; and

(2) any relevant efforts to afford or deny international access in accordance with international nonproliferation agreements.

(c) ASSESSMENTS.—The report required by subsection (b) shall include assessments, for the period beginning on January 1, 2018, and ending on the date of the submittal of the report, of the following:

(1) Activities to research, develop, or enrich uranium or reprocess plutonium with the intent or capability of creating weapons-grade nuclear material.

(2) Research, development, testing, or design activities that could contribute to or inform construction of a device intended to initiate or capable of initiating a nuclear explosion.

(3) Efforts to receive, transmit, store, destroy, relocate, archive, or otherwise preserve research, processes, products, or enabling materials relevant or relating to any efforts assessed under paragraph (1) or (2).

(4) Efforts to afford or deny international access, in accordance with international nonproliferation agreements, to locations, individuals, and materials relating to activities described in paragraph (1), (2), or (3).

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

SEC. 521. SENSE OF CONGRESS ON THIRD OPTION FOUNDATION.

It is the sense of the Congress that—

(1) the work of the Third Option Foundation to heal, help, and honor members of the special operations community of the Central Intelligence Agency and their families is invaluable; and

(2) the Director of the Central Intelligence Agency should work closely with the Third Option Foundation in implementing section 19A of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3519b), as added by section 6412 of the Damon Paul Nelson and Matthew Young Pollard Intelligence Authorization Act for Fiscal Years 2018, 2019, and 2020 (Public Law 116–92).

SA 2227. Mr. PERDUE (for himself and Mrs. LOEFFLER) submitted an amendment intended to be proposed by

him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Section 219(d)(2) is amended by inserting ''and shall include a survey of the availability of such infrastructure in the United States, including commercial capabilities'' before the period.

SA 2228. Mr. MORAN submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE XVII—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COMMISSIONED OFFICER CORPS

SEC. 1701. REFERENCES TO NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COMMISSIONED OFFICER CORPS ACT OF 2002.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3001 et seq.).

Subtitle A—General Provisions

SEC. 1711. STRENGTH AND DISTRIBUTION IN GRADE.

Section 214 (33 U.S.C. 3004) is amended to read as follows:

''SEC. 214. STRENGTH AND DISTRIBUTION IN GRADE.

''(a) GRADES.—The commissioned grades in the commissioned officer corps of the Administration are the following, in relative rank with officers of the Navy:

''(1) Vice admiral.

''(2) Rear admiral.

''(3) Rear admiral (lower half).

''(4) Captain.

''(5) Commander.

''(6) Lieutenant commander.

''(7) Lieutenant.

''(8) Lieutenant (junior grade).

''(9) Ensign.

''(b) GRADE DISTRIBUTION.—The Secretary shall prescribe, with respect to the distribution on the lineal list in grade, the percentages applicable to the grades set forth in subsection (a).

''(c) ANNUAL COMPUTATION OF NUMBER IN GRADE.—

''(1) IN GENERAL.—Not less frequently than once each year, the Secretary shall make a computation to determine the number of officers on the lineal list authorized to be serving in each grade.

''(2) METHOD OF COMPUTATION.—The number in each grade shall be computed by applying the applicable percentage to the total number of such officers serving on active duty on the date the computation is made.

''(3) FRACTIONS.—If a final fraction occurs in computing the authorized number of officers in a grade, the nearest whole number shall be taken. If the fraction is one-half, the next higher whole number shall be taken.

''(d) TEMPORARY INCREASE IN NUMBERS.—The total number of officers authorized by law to be on the lineal list during a fiscal year may be temporarily exceeded if the average number on that list during that fiscal year does not exceed the authorized number.

''(e) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—Officers serving in positions designated under section 228(a) and officers recalled from retired status shall not be counted when computing authorized strengths under subsection (c) and shall not count against those strengths.

''(f) PRESERVATION OF GRADE AND PAY.—No officer may be reduced in grade or pay or separated from the commissioned officer corps of the Administration as the result of a computation made to determine the authorized number of officers in the various grades.''.

SEC. 1712. RECALLED OFFICERS.

(a) IN GENERAL.—Section 215 (33 U.S.C. 3005) is amended to read as follows:

''SEC. 215. NUMBER OF AUTHORIZED COMMISSIONED OFFICERS.

''(a) IN GENERAL.—The total number of authorized commissioned officers on the lineal list of the commissioned officer corps of the Administration shall not exceed 500.

''(b) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—Officers serving in positions designated under section 228 and officers recalled from retired status or detailed to an agency other than the Administration—

''(1) may not be counted in determining the total number of authorized officers on the lineal list under this section; and

''(2) may not count against such number.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by striking the item relating to section 215 and inserting the following:

''Sec. 215. Number of authorized commissioned officers.''.

SEC. 1713. OBLIGATED SERVICE REQUIREMENT.

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.) is amended by adding at the end the following:

''SEC. 216. OBLIGATED SERVICE REQUIREMENT.

''(a) IN GENERAL.—

''(1) REGULATIONS.—The Secretary shall prescribe the obligated service requirements for appointments, training, promotions, separations, continuations, and retirements of officers not otherwise covered by law.

''(2) WRITTEN AGREEMENTS.—The Secretary and officers shall enter into written agreements that describe the officers' obligated service requirements prescribed under paragraph (1) in return for such appointments, training, promotions, separations, continuations, and retirements as the Secretary considers appropriate.

''(b) REPAYMENT FOR FAILURE TO SATISFY REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary may require an officer who fails to meet the service requirements prescribed under subsection (a)(1) to reimburse the Secretary in an amount that bears the same ratio to the total costs of the training provided to that officer by the Secretary as the unserved portion of active duty bears to the total period of active duty the officer agreed to serve.

''(2) OBLIGATION AS DEBT TO UNITED STATES.—An obligation to reimburse the Secretary under paragraph (1) is, for all purposes, a debt owed to the United States.

''(3) DISCHARGE IN BANKRUPTCY.—A discharge in bankruptcy under title 11 that is entered less than five years after the termination of a written agreement entered into under subsection (a)(2) does not discharge the individual signing the agreement from a debt arising under such agreement.

''(c) WAIVER OR SUSPENSION OF COMPLIANCE.—The Secretary may waive the service obligation of an officer who—

''(1) becomes unqualified to serve on active duty in the commissioned officer corps of the Administration because of a circumstance not within the control of that officer; or

''(2) is—

''(A) not physically qualified for appointment; and

''(B) determined to be unqualified for service in the commissioned officer corps of the Administration because of a physical or medical condition that was not the result of the officer's own misconduct or grossly negligent conduct.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by inserting after the item relating to section 215 the following:

''Sec. 216. Obligated service requirement.''.

SEC. 1714. TRAINING AND PHYSICAL FITNESS.

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.), as amended by section 1713(a), is further amended by adding at the end the following:

''SEC. 217. TRAINING AND PHYSICAL FITNESS.

''(a) TRAINING.—The Secretary may take such measures as may be necessary to ensure that officers are prepared to carry out their duties in the commissioned officer corps of the Administration and proficient in the skills necessary to carry out such duties. Such measures may include the following:

''(1) Carrying out training programs and correspondence courses, including establishing and operating a basic officer training program to provide initial indoctrination and maritime vocational training for officer candidates as well as refresher training, mid-career training, aviation training, and such other training as the Secretary considers necessary for officer development and proficiency.

''(2) Providing officers and officer candidates with educational materials.

''(3) Acquiring such equipment as may be necessary for training and instructional purposes.

''(b) PHYSICAL FITNESS.—The Secretary shall ensure that officers maintain a high physical state of readiness by establishing standards of physical fitness for officers that are substantially equivalent to those prescribed for officers in the Coast Guard.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 1713(b), is further amended by inserting after the item relating to section 216 the following:

''Sec. 217. Training and physical fitness.''.

SEC. 1715. AVIATION ACCESSION TRAINING PROGRAMS.

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.), as amended by section 1714(a), is further amended by adding at the end the following:

''SEC. 218. AVIATION ACCESSION TRAINING PROGRAMS.

''(a) DEFINITIONS.—In this section:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Under Secretary of Commerce for Oceans and Atmosphere and the Administrator of the National Oceanic and Atmospheric Administration.

''(2) MEMBER OF THE PROGRAM.—The term 'member of the program' means a student who is enrolled in the program.

''(3) PROGRAM.—The term 'program' means an aviation accession training program of

the commissioned officer corps of the Administration established pursuant to subsection (b).

''(b) AVIATION ACCESSION TRAINING PROGRAMS.—

''(1) ESTABLISHMENT AUTHORIZED.—The Administrator, under regulations prescribed by the Secretary, shall establish and maintain one or more aviation accession training programs for the commissioned officer corps of the Administration at institutions described in paragraph (2).

''(2) INSTITUTIONS DESCRIBED.—An institution described in this paragraph is an educational institution—

''(A) that requests to enter into an agreement with the Administrator providing for the establishment of the program at the institution;

''(B) that has, as a part of its curriculum, a four-year baccalaureate program of professional flight and piloting instruction that is accredited by the Aviation Accreditation Board International;

''(C) that is located in a geographic area that—

''(i) experiences a wide variation in climate-related activity, including frequent high winds, convective activity (including tornadoes), periods of low visibility, heat, and snow and ice episodes, to provide opportunities for pilots to demonstrate skill in all weather conditions compatible with future encounters during their service in the commissioned officer corps; and

''(ii) has a climate that can accommodate both primary and advanced flight training activity at least 75 percent of the year; and

''(D) at which the Administrator determines that—

''(i) there will be at least one student enrolled in the program; and

''(ii) the provisions of this section are otherwise satisfied.

''(3) LIMITATIONS IN CONNECTION WITH PARTICULAR INSTITUTIONS.—The program may not be established or maintained at an institution unless—

''(A) the senior commissioned officer or employee of the commissioned officer corps who is assigned as an advisor to the program at that institution is given the academic rank of adjunct professor; and

''(B) the institution fulfills the terms of its agreement with the Administrator.

''(4) MEMBERSHIP IN CONNECTION WITH STATUS AS STUDENT.—At institutions at which the program is established, the membership of students in the program shall be elective, as provided by State law or the authorities of the institution concerned.

''(c) MEMBERSHIP.—

''(1) ELIGIBILITY.—To be eligible for membership in the program, an individual must—

''(A) be a student at an institution at which the program is established;

''(B) be a citizen of the United States;

''(C) contract in writing, with the consent of a parent or guardian if a minor, with the Administrator, to—

''(i) accept an appointment, if offered, as a commissioned officer in the commissioned officer corps of the Administration; and

''(ii) serve in the commissioned officer corps for not fewer than four years;

''(D) enroll in—

''(i) a four-year baccalaureate program of professional flight and piloting instruction; and

''(ii) other training or education, including basic officer training, which is prescribed by the Administrator as meeting the preliminary requirement for admission to the commissioned officer corps; and

''(E) execute a certificate or take an oath relating to morality and conduct in such form as the Administrator prescribes.

''(2) COMPLETION OF PROGRAM.—A member of the program may be appointed as a regular officer in the commissioned officer corps if the member meets all requirements for appointment as such an officer.

''(d) FINANCIAL ASSISTANCE FOR QUALIFIED MEMBERS.—

''(1) EXPENSES OF COURSE OF INSTRUCTION.—

''(A) IN GENERAL.—In the case of a member of the program who meets such qualifications as the Administrator establishes for purposes of this subsection, the Administrator may pay the expenses of the member in connection with pursuit of a course of professional flight and piloting instruction under the program, including tuition, fees, educational materials such as books, training, certifications, travel, and laboratory expenses.

''(B) ASSISTANCE AFTER FOURTH ACADEMIC YEAR.—In the case of a member of the program described in subparagraph (A) who is enrolled in a course described in that subparagraph that has been approved by the Administrator and requires more than four academic years for completion, including elective requirements of the program, assistance under this subsection may also be provided during a fifth academic year or during a combination of a part of a fifth academic year and summer sessions.

''(2) ROOM AND BOARD.—In the case of a member eligible to receive assistance under paragraph (1), the Administrator may, in lieu of payment of all or part of such assistance, pay the room and board expenses of the member, and other educational expenses, of the educational institution concerned.

''(3) FAILURE TO COMPLETE PROGRAM OR ACCEPT COMMISSION.—A member of the program who receives assistance under this subsection and who does not complete the course of instruction, or who completes the course but declines to accept a commission in the commissioned officer corps when offered, shall be subject to the repayment provisions of subsection (e).

''(e) REPAYMENT OF UNEARNED PORTION OF FINANCIAL ASSISTANCE WHEN CONDITIONS OF PAYMENT NOT MET.—

''(1) IN GENERAL.—A member of the program who receives or benefits from assistance under subsection (d), and whose receipt of or benefit from such assistance is subject to the condition that the member fully satisfy the requirements of subsection (c), shall repay to the United States an amount equal to the assistance received or benefitted from if the member fails to fully satisfy such requirements and may not receive or benefit from any unpaid amounts of such assistance after the member fails to satisfy such requirements, unless the Administrator determines that the imposition of the repayment requirement and the termination of payment of unpaid amounts of such assistance with regard to the member would be—

''(A) contrary to a personnel policy or management objective;

''(B) against equity and good conscience; or

''(C) contrary to the best interests of the United States.

''(2) REGULATIONS.—The Administrator may establish, by regulations, procedures for determining the amount of the repayment required under this subsection and the circumstances under which an exception to repayment may be granted. The Administrator may specify in the regulations the conditions under which financial assistance to be paid to a member of the program will not be made if the member no longer satisfies the requirements in subsection (c) or qualifications in subsection (d) for such assistance.

''(3) OBLIGATION AS DEBT TO UNITED STATES.—An obligation to repay the United States under this subsection is, for all purposes, a debt owed to the United States.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 1714(b), is further amended by inserting after the item relating to section 217 the following:

''Sec. 218. Aviation accession training programs.''.

SEC. 1716. RECRUITING MATERIALS.

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.), as amended by section 1715(a), is further amended by adding at the end the following:

''SEC. 219. USE OF RECRUITING MATERIALS FOR PUBLIC RELATIONS.

''The Secretary may use for public relations purposes of the Department of Commerce any advertising materials developed for use for recruitment and retention of personnel for the commissioned officer corps of the Administration. Any such use shall be under such conditions and subject to such restrictions as the Secretary shall prescribe.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 1715(b), is further amended by inserting after the item relating to section 218 the following:

''Sec. 219. Use of recruiting materials for public relations.''.

SEC. 1717. TECHNICAL CORRECTION.

Section 101(21)(C) of title 38, United States Code, is amended by inserting ''in the commissioned officer corps'' before ''of the National''.

Subtitle B—Parity and Recruitment

SEC. 1721. EDUCATION LOANS.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.) is amended by adding at the end the following:

''SEC. 267. EDUCATION LOAN REPAYMENT PROGRAM.

''(a) AUTHORITY TO REPAY EDUCATION LOANS.—For the purpose of maintaining adequate numbers of officers of the commissioned officer corps of the Administration on active duty who have skills required by the commissioned officer corps, the Secretary may repay, in the case of a person described in subsection (b), a loan that—

''(1) was used by the person to finance education; and

''(2) was obtained from a governmental entity, private financial institution, educational institution, or other authorized entity.

''(b) ELIGIBLE PERSONS.—To be eligible to obtain a loan repayment under this section, a person must—

''(1) satisfy one of the requirements specified in subsection (c);

''(2) be fully qualified for, or hold, an appointment as a commissioned officer in the commissioned officer corps of the Administration; and

''(3) sign a written agreement to serve on active duty, or, if on active duty, to remain on active duty for a period in addition to any other incurred active duty obligation.

''(c) ACADEMIC AND PROFESSIONAL REQUIREMENTS.—One of the following academic requirements must be satisfied for purposes of determining the eligibility of an individual for a loan repayment under this section:

''(1) The person is fully qualified in a profession that the Secretary has determined to be necessary to meet identified skill shortages in the commissioned officer corps.

''(2) The person is enrolled as a full-time student in the final year of a course of study at an accredited educational institution (as

determined by the Secretary of Education) leading to a degree in a profession that will meet identified skill shortages in the commissioned officer corps.

''(d) LOAN REPAYMENTS.—

''(1) IN GENERAL.—Subject to the limits established under paragraph (2), a loan repayment under this section may consist of the payment of the principal, interest, and related expenses of a loan obtained by a person described in subsection (b).

''(2) LIMITATION ON AMOUNT.—For each year of obligated service that a person agrees to serve in an agreement described in subsection (b)(3), the Secretary may pay not more than the amount specified in section 2173(e)(2) of title 10, United States Code.

''(e) ACTIVE DUTY SERVICE OBLIGATION.—

''(1) IN GENERAL.—A person entering into an agreement described in subsection (b)(3) incurs an active duty service obligation.

''(2) LENGTH OF OBLIGATION DETERMINED UNDER REGULATIONS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the length of the obligation under paragraph (1) shall be determined under regulations prescribed by the Secretary.

''(B) MINIMUM OBLIGATION.—The regulations prescribed under subparagraph (A) may not provide for a period of obligation of less than one year for each maximum annual amount, or portion thereof, paid on behalf of the person for qualified loans.

''(3) PERSONS ON ACTIVE DUTY BEFORE ENTERING INTO AGREEMENT.—The active duty service obligation of persons on active duty before entering into the agreement shall be served after the conclusion of any other obligation incurred under the agreement.

''(4) CONCURRENT COMPLETION OF SERVICE OBLIGATIONS.—A service obligation under this section may be completed concurrently with a service obligation under section 216.

''(f) EFFECT OF FAILURE TO COMPLETE OBLIGATION.—

''(1) ALTERNATIVE OBLIGATIONS.—An officer who is relieved of the officer's active duty obligation under this section before the completion of that obligation may be given any alternative obligation, at the discretion of the Secretary.

''(2) REPAYMENT.—An officer who does not complete the period of active duty specified in the agreement entered into under subsection (b)(3), or the alternative obligation imposed under paragraph (1), shall be subject to the repayment provisions under section 216.

''(g) RULEMAKING.—The Secretary shall prescribe regulations to carry out this section, including—

''(1) standards for qualified loans and authorized payees; and

''(2) other terms and conditions for the making of loan repayments.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by inserting after the item relating to section 266 the following:

''Sec. 267. Education loan repayment program.''.

SEC. 1722. INTEREST PAYMENTS.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.), as amended by section 1721(a), is further amended by adding at the end the following:

''SEC. 268. INTEREST PAYMENT PROGRAM.

''(a) AUTHORITY.—The Secretary may pay the interest and any special allowances that accrue on one or more student loans of an eligible officer, in accordance with this section.

''(b) ELIGIBLE OFFICERS.—An officer is eligible for the benefit described in subsection (a) while the officer—

''(1) is serving on active duty;

''(2) has not completed more than three years of service on active duty;

''(3) is the debtor on one or more unpaid loans described in subsection (c); and

''(4) is not in default on any such loan.

''(c) STUDENT LOANS.—The authority to make payments under subsection (a) may be exercised with respect to the following loans:

''(1) A loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.).

''(2) A loan made under part D of such title (20 U.S.C. 1087a et seq.).

''(3) A loan made under part E of such title (20 U.S.C. 1087aa et seq.).

''(d) MAXIMUM BENEFIT.—Interest and any special allowance may be paid on behalf of an officer under this section for any of the 36 consecutive months during which the officer is eligible under subsection (b).

''(e) FUNDS FOR PAYMENTS.—The Secretary may use amounts appropriated for the pay and allowances of personnel of the commissioned officer corps of the Administration for payments under this section.

''(f) COORDINATION WITH SECRETARY OF EDUCATION.—

''(1) IN GENERAL.—The Secretary shall consult with the Secretary of Education regarding the administration of this section.

''(2) TRANSFER OF FUNDS.—The Secretary shall transfer to the Secretary of Education the funds necessary—

''(A) to pay interest and special allowances on student loans under this section (in accordance with sections 428(o), 455(l), and 464(j) of the Higher Education Act of 1965 (20 U.S.C. 1078(o), 1087e(l), and 1087dd(j)); and

''(B) to reimburse the Secretary of Education for any reasonable administrative costs incurred by the Secretary in coordinating the program under this section with the administration of the student loan programs under parts B, D, and E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.).

''(g) SPECIAL ALLOWANCE DEFINED.—In this section, the term 'special allowance' means a special allowance that is payable under section 438 of the Higher Education Act of 1965 (20 U.S.C. 1087–1).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 428(o) of the Higher Education Act of 1965 (20 U.S.C. 1078(o)) is amended—

(A) by striking the subsection heading and inserting ''ARMED FORCES AND NOAA COMMISSIONED OFFICER CORPS STUDENT LOAN INTEREST PAYMENT PROGRAMS''; and

(B) in paragraph (1)—

(i) by inserting ''or section 268 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002'' after ''Code,''; and

(ii) by inserting ''or an officer in the commissioned officer corps of the National Oceanic and Atmospheric Administration, respectively,'' after ''Armed Forces''.

(2) Sections 455(l) and 464(j) of the Higher Education Act of 1965 (20 U.S.C. 1087e(l) and 1087dd(j)) are each amended—

(A) by striking the subsection heading and inserting ''ARMED FORCES AND NOAA COMMISSIONED OFFICER CORPS STUDENT LOAN INTEREST PAYMENT PROGRAMS''; and

(B) in paragraph (1)—

(i) by inserting ''or section 268 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002'' after ''Code,''; and

(ii) by inserting ''or an officer in the commissioned officer corps of the National Oceanic and Atmospheric Administration, respectively'' after ''Armed Forces''.

(c) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 1721(b), is further amended by inserting after the item relating to section 267 the following:

''Sec. 268. Interest payment program.''.

SEC. 1723. STUDENT PRE-COMMISSIONING PROGRAM.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.), as amended by section 1722(a), is further amended by adding at the end the following:

''SEC. 269. STUDENT PRE-COMMISSIONING EDUCATION ASSISTANCE PROGRAM.

''(a) AUTHORITY TO PROVIDE FINANCIAL ASSISTANCE.—For the purpose of maintaining adequate numbers of officers of the commissioned officer corps of the Administration on active duty, the Secretary may provide financial assistance to a person described in subsection (b) for expenses of the person while the person is pursuing on a full-time basis at an accredited educational institution (as determined by the Secretary of Education) a program of education approved by the Secretary that leads to—

''(1) a baccalaureate degree in not more than five academic years; or

''(2) a postbaccalaureate degree.

''(b) ELIGIBLE PERSONS.—

''(1) IN GENERAL.—A person is eligible to obtain financial assistance under subsection (a) if the person—

''(A) is enrolled on a full-time basis in a program of education referred to in subsection (a) at any educational institution described in such subsection;

''(B) meets all of the requirements for acceptance into the commissioned officer corps of the Administration except for the completion of a baccalaureate degree; and

''(C) enters into a written agreement with the Secretary described in paragraph (2).

''(2) AGREEMENT.—A written agreement referred to in paragraph (1)(C) is an agreement between the person and the Secretary in which the person—

''(A) agrees to accept an appointment as an officer, if tendered; and

''(B) upon completion of the person's educational program, agrees to serve on active duty, immediately after appointment, for—

''(i) up to three years if the person received less than three years of assistance; and

''(ii) up to five years if the person received at least three years of assistance.

''(c) QUALIFYING EXPENSES.—Expenses for which financial assistance may be provided under subsection (a) are the following:

''(1) Tuition and fees charged by the educational institution involved.

''(2) The cost of educational materials.

''(3) In the case of a program of education leading to a baccalaureate degree, laboratory expenses.

''(4) Such other expenses as the Secretary considers appropriate.

''(d) LIMITATION ON AMOUNT.—The Secretary shall prescribe the amount of financial assistance provided to a person under subsection (a), which may not exceed the amount specified in section 2173(e)(2) of title 10, United States Code, for each year of obligated service that a person agrees to serve in an agreement described in subsection (b)(2).

''(e) DURATION OF ASSISTANCE.—Financial assistance may be provided to a person under subsection (a) for not more than five consecutive academic years.

''(f) SUBSISTENCE ALLOWANCE.—

''(1) IN GENERAL.—A person who receives financial assistance under subsection (a) shall be entitled to a monthly subsistence allowance at a rate prescribed under paragraph (2) for the duration of the period for which the person receives such financial assistance.

''(2) DETERMINATION OF AMOUNT.—The Secretary shall prescribe monthly rates for subsistence allowance provided under paragraph (1), which shall be equal to the amount specified in section 2144(a) of title 10, United States Code.

''(g) INITIAL CLOTHING ALLOWANCE.—

''(1) TRAINING.—The Secretary may prescribe a sum which shall be credited to each person who receives financial assistance under subsection (a) to cover the cost of the person's initial clothing and equipment issue.

''(2) APPOINTMENT.—Upon completion of the program of education for which a person receives financial assistance under subsection (a) and acceptance of appointment in the commissioned officer corps of the Administration, the person may be issued a subsequent clothing allowance equivalent to that normally provided to a newly appointed officer.

''(h) TERMINATION OF FINANCIAL ASSISTANCE.—

''(1) IN GENERAL.—The Secretary shall terminate the assistance provided to a person under this section if—

''(A) the Secretary accepts a request by the person to be released from an agreement described in subsection (b)(2);

''(B) the misconduct of the person results in a failure to complete the period of active duty required under the agreement; or

''(C) the person fails to fulfill any term or condition of the agreement.

''(2) REIMBURSEMENT.—The Secretary may require a person who receives assistance described in subsection (c), (f), or (g) under an agreement entered into under subsection (b)(1)(C) to reimburse the Secretary in an amount that bears the same ratio to the total costs of the assistance provided to that person as the unserved portion of active duty bears to the total period of active duty the officer agreed to serve under the agreement.

''(3) WAIVER.—The Secretary may waive the service obligation of a person through an agreement entered into under subsection (b)(1)(C) if the person—

''(A) becomes unqualified to serve on active duty in the commissioned officer corps of the Administration because of a circumstance not within the control of that person; or

''(B) is—

''(i) not physically qualified for appointment; and

''(ii) determined to be unqualified for service in the commissioned officer corps of the Administration because of a physical or medical condition that was not the result of the person's own misconduct or grossly negligent conduct.

''(4) OBLIGATION AS DEBT TO UNITED STATES.—An obligation to reimburse the Secretary imposed under paragraph (2) is, for all purposes, a debt owed to the United States.

''(5) DISCHARGE IN BANKRUPTCY.—A discharge in bankruptcy under title 11, United States Code, that is entered less than five years after the termination of a written agreement entered into under subsection (b)(1)(C) does not discharge the person signing the agreement from a debt arising under such agreement or under paragraph (2).

''(i) REGULATIONS.—The Secretary may prescribe such regulations and orders as the Secretary considers appropriate to carry out this section.

''(j) CONCURRENT COMPLETION OF SERVICE OBLIGATIONS.—A service obligation under this section may be completed concurrently with a service obligation under section 216.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 1722(c), is further amended by inserting after the item relating to section 268 the following:

''Sec. 269. Student pre-commissioning education assistance program.''.

SEC. 1724. LIMITATION ON EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—Each fiscal year, beginning with the fiscal year in which this title is enacted, the Secretary of Commerce shall ensure that the total amount expended by the Secretary under section 267 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (as added by section 1721(a)), section 268 of such Act (as added by section 1722(a)), and section 269 of such Act (as added by section 1723(a)) does not exceed the amount by which—

(1) the total amount the Secretary would pay in that fiscal year to officer candidates under section 203(f)(1) of title 37, United States Code (as added by section 1735(d)), if such section entitled officer candidates to pay at monthly rates equal to the basic pay of a commissioned officer in the pay grade O–1 with less than 2 years of service, exceeds

(2) the total amount the Secretary actually pays in that fiscal year to officer candidates under section 203(f)(1) of such title (as so added).

(b) OFFICER CANDIDATE DEFINED.—In this section, the term ''officer candidate'' has the meaning given the term in paragraph (4) of section 212(b) of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3002), as added by section 1735(c).

SEC. 1725. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 10, UNITED STATES CODE, AND EXTENSION OF CERTAIN AUTHORITIES APPLICABLE TO MEMBERS OF THE ARMED FORCES TO COMMISSIONED OFFICER CORPS.

(a) APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 10.—Section 261(a) (33 U.S.C. 3071(a)) is amended—

(1) by redesignating paragraphs (13) through (16) as paragraphs (22) through (25), respectively;

(2) by redesignating paragraphs (7) through (12) as paragraphs (14) through (19), respectively;

(3) by redesignating paragraphs (4) through (6) as paragraphs (8) through (10), respectively;

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

''(4) Section 771, relating to unauthorized wearing of uniforms.

''(5) Section 774, relating to wearing religious apparel while in uniform.

''(6) Section 982, relating to service on State and local juries.

''(7) Section 1031, relating to administration of oaths.'';

(5) by inserting after paragraph (10), as redesignated, the following:

''(11) Section 1074n, relating to annual mental health assessments.

''(12) Section 1090a, relating to referrals for mental health evaluations.

''(13) Chapter 58, relating to the Benefits and Services for members being separated or recently separated.''; and

(6) by inserting after paragraph (19), as redesignated, the following:

''(20) Subchapter I of chapter 88, relating to Military Family Programs.

''(21) Section 2005, relating to advanced education assistance, active duty agreements, and reimbursement requirements.''.

(b) EXTENSION OF CERTAIN AUTHORITIES.—

(1) NOTARIAL SERVICES.—Section 1044a of title 10, United States Code, is amended—

(A) in subsection (a)(1), by striking ''armed forces'' and inserting ''uniformed services''; and

(B) in subsection (b)(4), by striking ''armed forces'' both places it appears and inserting ''uniformed services''.

(2) ACCEPTANCE OF VOLUNTARY SERVICES FOR PROGRAMS SERVING MEMBERS AND THEIR FAMILIES.—Section 1588 of such title is amended—

(A) in subsection (a)(3), in the matter before subparagraph (A), by striking ''armed forces'' and inserting ''uniformed services''; and

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

''(g) SECRETARY CONCERNED FOR ACCEPTANCE OF SERVICES FOR PROGRAMS SERVING MEMBERS OF NOAA CORPS AND THEIR FAMILIES.—For purposes of the acceptance of services described in subsection (a)(3), the term 'Secretary concerned' in subsection (a) shall include the Secretary of Commerce with respect to members of the commissioned officer corps of the National Oceanic and Atmospheric Administration.''.

(3) CAPSTONE COURSE FOR NEWLY SELECTED FLAG OFFICERS.—Section 2153 of such title is amended—

(A) in subsection (a)—

(i) by inserting ''or the commissioned officer corps of the National Oceanic and Atmospheric Administration'' after ''in the case of the Navy''; and

(ii) by striking ''other armed forces'' and inserting ''other uniformed services''; and

(B) in subsection (b)(1), in the matter before subparagraph (A), by inserting ''or the Secretary of Commerce, as applicable,'' after ''the Secretary of Defense''.

SEC. 1726. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 37, UNITED STATES CODE.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.) is amended by inserting after section 261 the following:

''SEC. 261A. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 37, UNITED STATES CODE.

''(a) PROVISIONS MADE APPLICABLE TO COMMISSIONED OFFICER CORPS.—The provisions of law applicable to the Armed Forces under the following provisions of title 37, United States Code, shall apply to the commissioned officer corps of the Administration:

''(1) Section 324, relating to accession bonuses for new officers in critical skills.

''(2) Section 403(f)(3), relating to prescribing regulations defining the terms 'field duty' and 'sea duty'.

''(3) Section 403(l), relating to temporary continuation of housing allowance for dependents of members dying on active duty.

''(4) Section 415, relating to initial uniform allowances.

''(5) Section 488, relating to allowances for recruiting expenses.

''(6) Section 495, relating to allowances for funeral honors duty.

''(b) REFERENCES.—The authority vested by title 37, United States Code, in the 'military departments', 'the Secretary concerned', or 'the Secretary of Defense' with respect to the provisions of law referred to in subsection (a) shall be exercised, with respect to the commissioned officer corps of the Administration, by the Secretary of Commerce or the Secretary's designee.''.

(b) PERSONAL MONEY ALLOWANCE.—Section 414(a)(2) of title 37, United States Code, is amended by inserting ''or the director of the commissioned officer corps of the National Oceanic and Atmospheric Administration'' after ''Health Service''.

(c) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by inserting after the item relating to section 261 the following:

''Sec. 261A. Applicability of certain provisions of title 37, United States Code.''.

SEC. 1727. PROHIBITION ON RETALIATORY PERSONNEL ACTIONS.

(a) IN GENERAL.—Subsection (a) of section 261 (33 U.S.C. 3071), as amended by section 1725(a), is further amended—

(1) by redesignating paragraphs (8) through (25) as paragraphs (9) through (26), respectively; and

(2) by inserting after paragraph (7) the following:

''(8) Section 1034, relating to protected communications and prohibition of retaliatory personnel actions.''.

(b) CONFORMING AMENDMENT.—Subsection (b) of such section is amended by adding at the end the following: ''For purposes of paragraph (8) of subsection (a), the term 'Inspector General' in section 1034 of such title 10 shall mean the Inspector General of the Department of Commerce.''.

(c) REGULATIONS.—Such section is further amended by adding at the end the following:

''(c) REGULATIONS REGARDING PROTECTED COMMUNICATIONS AND PROHIBITION OF RETALIATORY PERSONNEL ACTIONS.—The Secretary may prescribe regulations to carry out the application of section 1034 of title 10, United States Code, to the commissioned officer corps of the Administration, including by prescribing such administrative procedures for investigation and appeal within the commissioned officer corps as the Secretary considers appropriate.''.

SEC. 1728. APPLICATION OF CERTAIN PROVISIONS OF COMPETITIVE SERVICE LAW.

Section 3304(f) of title 5, United States Code, is amended—

(1) in paragraph (1), by inserting ''and members of the commissioned officer corps of the National Oceanic and Atmospheric Administration (or its predecessor organization the Coast and Geodetic Survey) separated from such uniformed service'' after ''separated from the armed forces'';

(2) in paragraph (2), by striking ''or veteran'' and inserting '', veteran, or member''; and

(3) in paragraph (4), by inserting ''and members of the commissioned officer corps of the National Oceanic and Atmospheric Administration (or its predecessor organization the Coast and Geodetic Survey) separated from such uniformed service'' after ''separated from the armed forces''.

SEC. 1729. EMPLOYMENT AND REEMPLOYMENT RIGHTS.

Section 4303(16) of title 38, United States Code, is amended by inserting ''the commissioned officer corps of the National Oceanic and Atmospheric Administration,'' after ''Public Health Service,''.

SEC. 1730. TREATMENT OF COMMISSION IN COMMISSIONED OFFICER CORPS FOR PURPOSES OF CERTAIN HIRING DECISIONS.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.), as amended by this title, is further amended by adding at the end the following:

''SEC. 269A. TREATMENT OF COMMISSION IN COMMISSIONED OFFICER CORPS AS EMPLOYMENT IN ADMINISTRATION FOR PURPOSES OF CERTAIN HIRING DECISIONS.

''(a) IN GENERAL.—In any case in which the Secretary accepts an application for a position of employment with the Administration and limits consideration of applications for such position to applications submitted by individuals serving in a career or career-conditional position in the competitive service within the Administration, the Secretary shall deem an officer who has served as an officer in the commissioned officer corps for at least three years to be serving in a career or career-conditional position in the competitive service within the Administration for purposes of such limitation.

''(b) CAREER APPOINTMENTS.—If the Secretary selects an application submitted by an officer described in subsection (a) for a position described in such subsection, the Secretary shall give such officer a career or career-conditional appointment in the competitive service, as appropriate.

''(c) COMPETITIVE SERVICE DEFINED.—In this section, the term 'competitive service' has the meaning given the term in section 2102 of title 5, United States Code.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by inserting after the item relating to section 269, as added by section 1723(b), the following new item:

''Sec. 269A. Treatment of commission in commissioned officer corps as employment in Administration for purposes of certain hiring decisions.''.

Subtitle C—Appointments and Promotion of Officers

SEC. 1731. APPOINTMENTS.

(a) ORIGINAL APPOINTMENTS.—Section 221 (33 U.S.C. 3021) is amended to read as follows:

''SEC. 221. ORIGINAL APPOINTMENTS AND REAPPOINTMENTS.

''(a) ORIGINAL APPOINTMENTS.—

''(1) GRADES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an original appointment of an officer may be made in such grades as may be appropriate for—

''(i) the qualification, experience, and length of service of the appointee; and

''(ii) the commissioned officer corps of the Administration.

''(B) APPOINTMENT OF OFFICER CANDIDATES.—

''(i) LIMITATION ON GRADE.—An original appointment of an officer candidate, upon graduation from the basic officer training program of the commissioned officer corps of the Administration, may not be made in any other grade than ensign.

''(ii) RANK.—Officer candidates receiving appointments as ensigns upon graduation from the basic officer training program shall take rank according to their proficiency as shown by the order of their merit at date of graduation.

''(2) SOURCE OF APPOINTMENTS.—An original appointment may be made from among the following:

''(A) Graduates of the basic officer training program of the commissioned officer corps of the Administration.

''(B) Graduates of the military service academies of the United States who otherwise meet the academic standards for enrollment in the training program described in subparagraph (A).

''(C) Graduates of the maritime academies of the States who—

''(i) otherwise meet the academic standards for enrollment in the training program described in subparagraph (A);

''(ii) completed at least three years of regimented training while at a maritime academy of a State; and

''(iii) obtained an unlimited tonnage or unlimited horsepower Merchant Mariner Credential from the United States Coast Guard.

''(D) Licensed officers of the United States merchant marine who have served two or more years aboard a vessel of the United States in the capacity of a licensed officer, who otherwise meet the academic standards for enrollment in the training program described in subparagraph (A).

''(3) DEFINITIONS.—In this subsection:

''(A) MARITIME ACADEMIES OF THE STATES.—The term 'maritime academies of the States' means the following:

''(i) California Maritime Academy, Vallejo, California.

''(ii) Great Lakes Maritime Academy, Traverse City, Michigan.

''(iii) Maine Maritime Academy, Castine, Maine.

''(iv) Massachusetts Maritime Academy, Buzzards Bay, Massachusetts.

''(v) State University of New York Maritime College, Fort Schuyler, New York.

''(vi) Texas A&M Maritime Academy, Galveston, Texas.

''(B) MILITARY SERVICE ACADEMIES OF THE UNITED STATES.—The term 'military service academies of the United States' means the following:

''(i) The United States Military Academy, West Point, New York.

''(ii) The United States Naval Academy, Annapolis, Maryland.

''(iii) The United States Air Force Academy, Colorado Springs, Colorado.

''(iv) The United States Coast Guard Academy, New London, Connecticut.

''(v) The United States Merchant Marine Academy, Kings Point, New York.

''(b) REAPPOINTMENT.—

''(1) IN GENERAL.—Except as provided in paragraph (2), an individual who previously served in the commissioned officer corps of the Administration may be appointed by the Secretary to the grade the individual held prior to separation.

''(2) REAPPOINTMENTS TO HIGHER GRADES.—An appointment under paragraph (1) to a position of importance and responsibility designated under section 228 may only be made by the President.

''(c) QUALIFICATIONS.—An appointment under subsection (a) or (b) may not be given to an individual until the individual's mental, moral, physical, and professional fitness to perform the duties of an officer has been established under such regulations as the Secretary shall prescribe.

''(d) ORDER OF PRECEDENCE.—Appointees under this section shall take precedence in the grade to which appointed in accordance with the dates of their commissions as commissioned officers in such grade. The order of precedence of appointees whose dates of commission are the same shall be determined by the Secretary.

''(e) INTER-SERVICE TRANSFERS.—For inter-service transfers (as described in Department of Defense Directive 1300.4 (dated December 27, 2006)) the Secretary shall—

''(1) coordinate with the Secretary of Defense and the Secretary of the Department in which the Coast Guard is operating to promote and streamline inter-service transfers;

''(2) give preference to such inter-service transfers for recruitment purposes as determined appropriate by the Secretary; and

''(3) reappoint such inter-service transfers to the equivalent grade in the commissioned officer corps.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by striking the item relating to section 221 and inserting the following:

''Sec. 221. Original appointments and reappointments.''.

SEC. 1732. PERSONNEL BOARDS.

Section 222 (33 U.S.C. 3022) is amended to read as follows:

''SEC. 222. PERSONNEL BOARDS.

''(a) CONVENING.—Not less frequently than once each year and at such other times as the Secretary determines necessary, the Secretary shall convene a personnel board.

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—A board convened under subsection (a) shall consist of five or more officers who are serving in or above the permanent grade of the officers under consideration by the board.

''(2) RETIRED OFFICERS.—Officers on the retired list may be recalled to serve on such personnel boards as the Secretary considers necessary.

''(3) NO MEMBERSHIP ON 2 SUCCESSIVE BOARDS.—No officer may be a member of two successive personnel boards convened to consider officers of the same grade for promotion or separation.

''(c) DUTIES.—Each personnel board shall—

''(1) recommend to the Secretary such changes as may be necessary to correct any erroneous position on the lineal list that was caused by administrative error; and

''(2) make selections and recommendations to the Secretary and the President for the appointment, promotion, involuntary separation, continuation, and involuntary retirement of officers in the commissioned officer corps of the Administration as prescribed in this title.

''(d) ACTION ON RECOMMENDATIONS NOT ACCEPTABLE.—If any recommendation by a board convened under subsection (a) is not accepted by the Secretary or the President, the board shall make such further recommendations as the Secretary or the President considers appropriate.

''(e) AUTHORITY FOR OFFICERS TO OPT OUT OF PROMOTION CONSIDERATION.—

''(1) IN GENERAL.—The Director of the National Oceanic and Atmospheric Administration Commissioned Officer Corps may provide that an officer, upon the officer's request and with the approval of the Director, be excluded from consideration for promotion by a personnel board convened under this section.

''(2) APPROVAL.—The Director shall approve a request made by an officer under paragraph (1) only if—

''(A) the basis for the request is to allow the officer to complete a broadening assignment, advanced education, another assignment of significant value to the Administration, a career progression requirement delayed by the assignment or education, or a qualifying personal or professional circumstance, as determined by the Director;

''(B) the Director determines the exclusion from consideration is in the best interest of the Administration; and

''(C) the officer has not previously failed selection for promotion to the grade for which the officer requests the exclusion from consideration.''.

SEC. 1733. POSITIONS OF IMPORTANCE AND RESPONSIBILITY.

Section 228 (33 U.S.C. 3028) is amended—

(1) in subsection (c)—

(A) in the first sentence, by striking ''The Secretary shall designate one position under this section'' and inserting ''The President shall designate one position''; and

(B) in the second sentence, by striking ''That position shall be filled by'' and inserting ''The President shall fill that position by appointing, by and with the advice and consent of the Senate,'';

(2) in subsection (d)(2), by inserting ''or immediately beginning a period of terminal leave'' after ''for which a higher grade is designated'';

(3) by amending subsection (e) to read as follows:

''(e) LIMIT ON NUMBER OF OFFICERS APPOINTED.—The total number of officers serving on active duty at any one time in the grade of rear admiral (lower half) or above may not exceed five, with only one serving in the grade of vice admiral.''; and

(4) in subsection (f), by inserting ''or in a period of annual leave used at the end of the appointment'' after ''serving in that grade''.

SEC. 1734. TEMPORARY APPOINTMENTS.

(a) IN GENERAL.—Section 229 (33 U.S.C. 3029) is amended to read as follows:

''SEC. 229. TEMPORARY APPOINTMENTS.

''(a) APPOINTMENTS BY PRESIDENT.—Temporary appointments in the grade of ensign, lieutenant junior grade, or lieutenant may be made by the President.

''(b) TERMINATION.—A temporary appointment to a position under subsection (a) shall terminate upon approval of a permanent appointment for such position made by the President.

''(c) ORDER OF PRECEDENCE.—Appointees under subsection (a) shall take precedence in the grade to which appointed in accordance with the dates of their appointments as officers in such grade. The order of precedence of appointees who are appointed on the same date shall be determined by the Secretary.

''(d) ANY ONE GRADE.—When determined by the Secretary to be in the best interest of the commissioned officer corps, officers in any permanent grade may be temporarily promoted one grade by the President. Any such temporary promotion terminates upon the transfer of the officer to a new assignment.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by striking the item relating to section 229 and inserting the following:

''Sec. 229. Temporary appointments.''.

SEC. 1735. OFFICER CANDIDATES.

(a) IN GENERAL.—Subtitle B (33 U.S.C. 3021 et seq.) is amended by adding at the end the following:

''SEC. 234. OFFICER CANDIDATES.

''(a) DETERMINATION OF NUMBER.—The Secretary shall determine the number of appointments of officer candidates.

''(b) APPOINTMENT.—Appointment of officer candidates shall be made under regulations, which the Secretary shall prescribe, including regulations with respect to determining age limits, methods of selection of officer candidates, term of service as an officer candidate before graduation from the basic officer training program of the Administration, and all other matters affecting such appointment.

''(c) DISMISSAL.—The Secretary may dismiss from the basic officer training program of the Administration any officer candidate who, during the officer candidate's term as an officer candidate, the Secretary considers unsatisfactory in either academics or conduct, or not adapted for a career in the commissioned officer corps of the Administration. Officer candidates shall be subject to rules governing discipline prescribed by the Director of the National Oceanic and Atmospheric Administration Commissioned Officer Corps.

''(d) AGREEMENT.—

''(1) IN GENERAL.—Each officer candidate shall sign an agreement with the Secretary in accordance with section 216(a)(2) regarding the officer candidate's term of service in the commissioned officer corps of the Administration.

''(2) ELEMENTS.—An agreement signed by an officer candidate under paragraph (1) shall provide that the officer candidate agrees to the following:

''(A) That the officer candidate will complete the course of instruction at the basic officer training program of the Administration.

''(B) That upon graduation from such program, the officer candidate—

''(i) will accept an appointment, if tendered, as an officer; and

''(ii) will serve on active duty for at least four years immediately after such appointment.

''(e) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section. Such regulations shall include—

''(1) standards for determining what constitutes a breach of an agreement signed under subsection (d)(1); and

''(2) procedures for determining whether such a breach has occurred.

''(f) REPAYMENT.—An officer candidate or former officer candidate who does not fulfill the terms of the obligation to serve as specified under subsection (d) shall be subject to the repayment provisions of section 216(b).''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by inserting after the item relating to section 233 the following:

''Sec. 234. Officer candidates.''.

(c) OFFICER CANDIDATE DEFINED.—Section 212(b) (33 U.S.C. 3002(b)) is amended—

(1) by redesignating paragraphs (4) through (6) as paragraphs (5) through (7), respectively; and

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

''(4) OFFICER CANDIDATE.—The term 'officer candidate' means an individual who is enrolled in the basic officer training program of the Administration and is under consideration for appointment as an officer under section 221(a)(2)(A).''.

(d) PAY FOR OFFICER CANDIDATES.—Section 203 of title 37, United States Code, is amended by adding at the end the following:

''(f)(1) An officer candidate enrolled in the basic officer training program of the commissioned officer corps of the National Oceanic and Atmospheric Administration is entitled, while participating in such program, to monthly officer candidate pay at monthly rates equal to the basic pay of an enlisted member in the pay grade E–5 with less than two years of service.

''(2) An individual who graduates from such program shall receive credit for the time spent participating in such program as if such time were time served while on active duty as a commissioned officer. If the individual does not graduate from such program, such time shall not be considered creditable for active duty or pay.''.

SEC. 1736. PROCUREMENT OF PERSONNEL.

(a) IN GENERAL.—Subtitle B (33 U.S.C. 3021 et seq.), as amended by section 1735(a), is further amended by adding at the end the following:

''SEC. 235. PROCUREMENT OF PERSONNEL.

''The Secretary may make such expenditures as the Secretary considers necessary in order to obtain recruits for the commissioned officer corps of the Administration, including advertising.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 1735(b), is further amended by inserting after the item relating to section 234 the following:

''235. Procurement of personnel.''.

SEC. 1737. CAREER INTERMISSION PROGRAM.

(a) IN GENERAL.—Subtitle B (33 U.S.C. 3021 et seq.), as amended by section 1736(a), is further amended by adding at the end the following:

''SEC. 236. CAREER FLEXIBILITY TO ENHANCE RETENTION OF OFFICERS.

''(a) PROGRAMS AUTHORIZED.—The Secretary may carry out a program under which

officers may be inactivated from active duty in order to meet personal or professional needs and returned to active duty at the end of such period of inactivation from active duty.

''(b) PERIOD OF INACTIVATION FROM ACTIVE DUTY; EFFECT OF INACTIVATION.—

''(1) IN GENERAL.—The period of inactivation from active duty under a program under this section of an officer participating in the program shall be such period as the Secretary shall specify in the agreement of the officer under subsection (c), except that such period may not exceed three years.

''(2) EXCLUSION FROM RETIREMENT.—Any period of participation of an officer in a program under this section shall not count toward eligibility for retirement or computation of retired pay under subtitle C.

''(c) AGREEMENT.—Each officer who participates in a program under this section shall enter into a written agreement with the Secretary under which that officer shall agree as follows:

''(1) To undergo during the period of the inactivation of the officer from active duty under the program such inactive duty training as the Director of the National Oceanic and Atmospheric Administration Commissioned Officer Corps shall require in order to ensure that the officer retains proficiency, at a level determined by the Director to be sufficient, in the technical skills, professional qualifications, and physical readiness of the officer during the inactivation of the officer from active duty.

''(2) Following completion of the period of the inactivation of the officer from active duty under the program, to serve two months on active duty for each month of the period of the inactivation of the officer from active duty under the program.

''(d) CONDITIONS OF RELEASE.—The Secretary shall—

''(1) prescribe regulations specifying the guidelines regarding the conditions of release that must be considered and addressed in the agreement required by subsection (c); and

''(2) at a minimum, prescribe the procedures and standards to be used to instruct an officer on the obligations to be assumed by the officer under paragraph (1) of such subsection while the officer is released from active duty.

''(e) ORDER TO ACTIVE DUTY.—Under regulations prescribed by the Secretary, an officer participating in a program under this section may, in the discretion of the Secretary, be required to terminate participation in the program and be ordered to active duty.

''(f) PAY AND ALLOWANCES.—

''(1) BASIC PAY.—During each month of participation in a program under this section, an officer who participates in the program shall be paid basic pay in an amount equal to two-thirtieths of the amount of monthly basic pay to which the officer would otherwise be entitled under section 204 of title 37, United States Code, as a member of the uniformed services on active duty in the grade and years of service of the officer when the officer commences participation in the program.

''(2) SPECIAL OR INCENTIVE PAY OR BONUS.—

''(A) PROHIBITION.—An officer who participates in a program under this section shall not, while participating in the program, be paid any special or incentive pay or bonus to which the officer is otherwise entitled under an agreement under chapter 5 of title 37, United States Code, that is in force when the officer commences participation in the program.

''(B) NOT TREATED AS FAILURE TO PERFORM SERVICES.—The inactivation from active duty of an officer participating in a program under this section shall not be treated as a failure of the officer to perform any period of service required of the officer in connection with an agreement for a special or incentive pay or bonus under chapter 5 of title 37, United States Code, that is in force when the officer commences participation in the program.

''(3) RETURN TO ACTIVE DUTY.—

''(A) SPECIAL OR INCENTIVE PAY OR BONUS.—Subject to subparagraph (B), upon the return of an officer to active duty after completion by the officer of participation in a program under this section—

''(i) any agreement entered into by the officer under chapter 5 of title 37, United States Code, for the payment of a special or incentive pay or bonus that was in force when the officer commenced participation in the program shall be revived, with the term of such agreement after revival being the period of the agreement remaining to run when the officer commenced participation in the program; and

''(ii) any special or incentive pay or bonus shall be payable to the officer in accordance with the terms of the agreement concerned for the term specified in clause (i).

''(B) LIMITATION.—

''(i) IN GENERAL.—Subparagraph (A) shall not apply to any special or incentive pay or bonus otherwise covered by that subparagraph with respect to an officer if, at the time of the return of the officer to active duty as described in that subparagraph—

''(I) such pay or bonus is no longer authorized by law; or

''(II) the officer does not satisfy eligibility criteria for such pay or bonus as in effect at the time of the return of the officer to active duty.

''(ii) PAY OR BONUS CEASES BEING AUTHORIZED.—Subparagraph (A) shall cease to apply to any special or incentive pay or bonus otherwise covered by that subparagraph with respect to an officer if, during the term of the revived agreement of the officer under subparagraph (A)(i), such pay or bonus ceases being authorized by law.

''(C) REPAYMENT.—An officer who is ineligible for payment of a special or incentive pay or bonus otherwise covered by this paragraph by reason of subparagraph (B)(i)(II) shall be subject to the requirements for repayment of such pay or bonus in accordance with the terms of the applicable agreement of the officer under chapter 5 of title 37, United States Code.

''(D) REQUIRED SERVICE IS ADDITIONAL.—Any service required of an officer under an agreement covered by this paragraph after the officer returns to active duty as described in subparagraph (A) shall be in addition to any service required of the officer under an agreement under subsection (c).

''(4) TRAVEL AND TRANSPORTATION ALLOWANCE.—

''(A) IN GENERAL.—Subject to subparagraph (B), an officer who participates in a program under this section is entitled, while participating in the program, to the travel and transportation allowances authorized by section 474 of title 37, United States Code, for—

''(i) travel performed from the residence of the officer, at the time of release from active duty to participate in the program, to the location in the United States designated by the officer as the officer's residence during the period of participation in the program; and

''(ii) travel performed to the residence of the officer upon return to active duty at the end of the participation of the officer in the program.

''(B) SINGLE RESIDENCE.—An allowance is payable under this paragraph only with respect to travel of an officer to and from a single residence.

''(5) LEAVE BALANCE.—An officer who participates in a program under this section is entitled to carry forward the leave balance existing as of the day on which the officer begins participation and accumulated in accordance with section 701 of title 10, but not to exceed 60 days.

''(g) PROMOTION.—

''(1) IN GENERAL.—An officer participating in a program under this section shall not, while participating in the program, be eligible for consideration for promotion under subtitle B.

''(2) RETURN TO SERVICE.—Upon the return of an officer to active duty after completion by the officer of participation in a program under this section—

''(A) the Secretary may adjust the date of rank of the officer in such manner as the Secretary shall prescribe in regulations for purposes of this section; and

''(B) the officer shall be eligible for consideration for promotion when officers of the same competitive category, grade, and seniority are eligible for consideration for promotion.

''(h) CONTINUED ENTITLEMENTS.—An officer participating in a program under this section shall, while participating in the program, be treated as a member of the uniformed services on active duty for a period of more than 30 days for purposes of—

''(1) the entitlement of the officer and of the dependents of the officer to medical and dental care under the provisions of chapter 55 of title 10; and

''(2) retirement or separation for physical disability under the provisions of subtitle C.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 1736(b), is further amended by inserting after the item relating to section 235 the following:

''Sec. 236. Career flexibility to enhance retention of officers.''.

Subtitle D—Separation and Retirement of Officers

SEC. 1741. INVOLUNTARY RETIREMENT OR SEPARATION.

Section 241 (33 U.S.C. 3041) is amended by adding at the end the following:

''(d) DEFERMENT OF RETIREMENT OR SEPARATION FOR MEDICAL REASONS.—

''(1) IN GENERAL.—If the Secretary determines that the evaluation of the medical condition of an officer requires hospitalization or medical observation that cannot be completed with confidence in a manner consistent with the officer's well-being before the date on which the officer would otherwise be required to retire or be separated under this section, the Secretary may defer the retirement or separation of the officer.

''(2) CONSENT REQUIRED.—A deferment may only be made with the written consent of the officer involved. If the officer does not provide written consent to the deferment, the officer shall be retired or separated as scheduled.

''(3) LIMITATION.—A deferment of retirement or separation under this subsection may not extend for more than 30 days after completion of the evaluation requiring hospitalization or medical observation.''.

SEC. 1742. SEPARATION PAY.

Section 242 (33 U.S.C. 3042) is amended by adding at the end the following:

''(d) EXCEPTION.—An officer discharged for twice failing selection for promotion to the next higher grade is not entitled to separation pay under this section if the officer—

''(1) expresses a desire not to be selected for promotion; or

''(2) requests removal from the list of selectees.''.

SA 2229. Mr. CRAPO (for himself, Mrs. SHAHEEN, and Mr. RISCH) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE XVII—BRING OUR HEROS HOME

SEC. 1701. SHORT TITLE.

This title may be cited as the ''Bring Our Heroes Home Act''.

SEC. 1702. FINDINGS, DECLARATIONS, AND PURPOSES.

(a) FINDINGS AND DECLARATIONS.—Congress finds and declares the following:

(1) A vast number of records relating to Missing Armed Forces Personnel have not been identified, located, or transferred to the National Archives following review and declassification. Only in the rarest cases is there any legitimate need for continued protection of records pertaining to Missing Armed Forces Personnel who have been missing for decades.

(2) There has been insufficient priority placed on identifying, locating, reviewing, or declassifying records relating to Missing Armed Forces Personnel and then transferring the records to the National Archives for public access.

(3) Mandates for declassification set forth in multiple Executive orders have been broadly written, loosely interpreted, and often ignored by Federal agencies in possession and control of records related to Missing Armed Forces Personnel.

(4) No individual or entity has been tasked with oversight of the identification, collection, review, and declassification of records related to Missing Armed Forces Personnel.

(5) The interest, desire, workforce, and funding of Federal agencies to assemble, review, and declassify records relating to Missing Armed Forces Personnel have been lacking.

(6) All records of the Federal Government relating to Missing Armed Forces Personnel should be preserved for historical and governmental purposes and for public research.

(7) All records of the Federal Government relating to Missing Armed Forces Personnel should carry a presumption of declassification, and all such records should be disclosed under this title to enable the fullest possible accounting for Missing Armed Forces Personnel.

(8) Legislation is necessary to create an enforceable, independent, and accountable process for the public disclosure of records relating to Missing Armed Forces Personnel.

(9) Legislation is necessary because section 552 of title 5, United States Code (commonly known as the ''Freedom of Information Act''), as implemented by Federal agencies, has prevented the timely public disclosure of records relating to Missing Armed Forces Personnel.

(b) PURPOSES.—The purposes of this title are—

(1) to provide for the creation of the Missing Armed Forces Personnel Records Collection at the National Archives; and

(2) to require the expeditious public transmission to the Archivist and public disclosure of Missing Armed Forces Personnel records, subject to narrow exceptions, as set forth in this title.

SEC. 1703. DEFINITIONS.

In this title:

(1) ARCHIVIST.—The term ''Archivist'' means Archivist of the United States.

(2) COLLECTION.—The term ''Collection'' means the Missing Armed Forces Personnel Records Collection established under section 1704(a).

(3) EXECUTIVE AGENCY.—The term ''Executive agency''—

(A) means an agency, as defined in section 552(f) of title 5, United States Code; and

(B) includes any Executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Federal Government, including the Executive Office of the President, any branch of the Armed Forces, and any independent regulatory agency.

(4) EXECUTIVE BRANCH MISSING ARMED FORCES PERSONNEL RECORD.—The term ''executive branch Missing Armed Forces Personnel record'' means a Missing Armed Forces Personnel record of an Executive agency, or information contained in such a Missing Armed Forces Personnel record obtained by or developed within the executive branch of the Federal Government.

(5) GOVERNMENT OFFICE.—The term ''Government office'' means an Executive agency, the Library of Congress, or the National Archives.

(6) MISSING ARMED FORCES PERSONNEL.—

(A) DEFINITION.—The term ''Missing Armed Forces Personnel'' means 1 or more missing persons.

(B) INCLUSIONS.—The term ''Missing Armed Forces Personnel'' includes an individual who was a missing person and whose status was later changed to ''missing and presumed dead''.

(7) MISSING ARMED FORCES PERSONNEL RECORD.—The term ''Missing Armed Forces Personnel record'' means a record that relates, directly or indirectly, to the loss, fate, or status of Missing Armed Forces Personnel that—

(A) was created or made available for use by, obtained by, or otherwise came into the custody, possession, or control of—

(i) any Government office;

(ii) any Presidential library; or

(iii) any of the Armed Forces; and

(B) relates to 1 or more Missing Armed Forces Personnel who became missing persons during the period—

(i) beginning on December 7, 1941; and

(ii) ending on the date of enactment of this Act.

(8) MISSING PERSON.—The term ''missing person'' has the meaning given that term in section 1513 of title 10, United States Code.

(9) NATIONAL ARCHIVES.—The term ''National Archives''—

(A) means the National Archives and Records Administration; and

(B) includes any component of the National Archives and Records Administration (including Presidential archival depositories established under section 2112 of title 44, United States Code).

(10) OFFICIAL INVESTIGATION.—The term ''official investigation'' means a review, briefing, inquiry, or hearing relating to Missing Armed Forces Personnel conducted by a Presidential commission, committee of Congress, or agency, regardless of whether it is conducted independently, at the request of any Presidential commission or committee of Congress, or at the request of any official of the Federal Government.

(11) ORIGINATING BODY.—The term ''originating body'' means the Government office or other initial source that created a record or particular information within a record.

(12) PUBLIC INTEREST.—The term ''public interest'' means the compelling interest in the prompt public disclosure of Missing Armed Forces Personnel records for historical and governmental purposes, for public research, and for the purpose of fully informing the people of the United States, most importantly families of Missing Armed Forces Personnel, about the fate of the Missing Armed Forces Personnel and the process by which the Federal Government has sought to account for them.

(13) RECORD.—The term ''record'' has the meaning given the term ''records'' in section 3301 of title 44, United States Code.

(14) REVIEW BOARD.—The term ''Review Board'' means the Missing Armed Forces Personnel Records Review Board established under section 1707.

SEC. 1704. MISSING ARMED FORCES PERSONNEL RECORDS COLLECTION AT THE NATIONAL ARCHIVES.

(a) ESTABLISHMENT OF COLLECTION.—Not later than 90 days after the date of enactment of this Act, the Archivist shall—

(1) commence establishment of a collection of records to be known as the ''Missing Armed Forces Personnel Records Collection'';

(2) commence preparing the subject guidebook and index to the Collection; and

(3) establish criteria for Executive agencies to follow when transmitting copies of Missing Armed Forces Personnel Records to the Archivist, to include required metadata.

(b) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Review Board shall promulgate rules to establish guidelines and processes for the disclosure of records contained in the Collection.

SEC. 1705. REVIEW, IDENTIFICATION, TRANSMISSION TO THE NATIONAL ARCHIVES, AND PUBLIC DISCLOSURE OF MISSING ARMED FORCES PERSONNEL RECORDS BY GOVERNMENT OFFICES.

(a) IN GENERAL.—

(1) PREPARATION.—As soon as practicable after the date of enactment of this Act, and sufficiently in advance of the deadlines established under this title, each Government office shall—

(A) identify and locate any Missing Armed Forces Personnel records in the custody, possession, or control of the Government office; and

(B) prepare for transmission to the Archivist in accordance with the criteria established by the Archivist a copy of any Missing Armed Forces Personnel records that have not previously been transmitted to the Archivist by the Government office.

(2) CERTIFICATION.—Each Government office shall submit to the Archivist, under penalty of perjury, a certification indicating—

(A) whether the Government office has conducted a thorough search for all Missing Armed Forces Personnel records in the custody, possession, or control of the Government office; and

(B) whether a copy of any Missing Armed Forces Personnel record has not been transmitted to the Archivist.

(3) PRESERVATION.—No Missing Armed Forces Personnel record shall be destroyed, altered, or mutilated in any way.

(4) EFFECT OF PREVIOUS DISCLOSURE.—Information that was made available or disclosed to the public before the date of enactment of this Act in a Missing Armed Forces Personnel record may not be withheld, redacted, postponed for public disclosure, or reclassified.

(5) WITHHELD AND SUBSTANTIALLY REDACTED RECORDS.—For any Missing Armed Forces Personnel record that is transmitted to the Archivist which a Government office proposes to substantially redact or withhold in

full from public access, the head of the Government office shall submit an unclassified and publicly releasable report to the Archivist, the Review Board, and each appropriate committee of the Senate and the House of Representatives justifying the decision of the Government office to substantially redact or withhold the record by demonstrating that the release of information would clearly and demonstrably be expected to cause an articulated harm, and that the harm would be of such gravity as to outweigh the public interest in access to the information.

(b) REVIEW.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, each Government office shall, in accordance with the criteria established by the Archivist and the rules promulgated under paragraph (2)—

(A) identify, locate, copy, and review each Missing Armed Forces Personnel record in the custody, possession, or control of the Government office for transmission to the Archivist and disclosure to the public or, if needed, review by the Review Board; and

(B) cooperate fully, in consultation with the Archivist, in carrying out paragraph (3).

(2) REQUIREMENT.—The Review Board shall promulgate rules for the disclosure of relevant records by Government offices under paragraph (1).

(3) NATIONAL ARCHIVES RECORDS.—Not later than 180 days after the date of enactment of this Act, the Archivist shall—

(A) locate and identify all Missing Armed Forces Personnel records in the custody of the National Archives as of the date of enactment of this Act that remain classified, in whole or in part;

(B) notify a Government office if the Archivist locates and identifies a record of the Government office under subparagraph (A); and

(C) make each classified Missing Armed Forces Personnel record located and identified under subparagraph (A) available for review by Executive agencies through the National Declassification Center established under Executive Order 13526.

(4) RECORDS ALREADY PUBLIC.—A Missing Armed Forces Personnel record that is in the custody of the National Archives on the date of enactment of this Act and that has been publicly available in its entirety without redaction shall be made available in the Collection without any additional review by the Archivist, the Review Board, or any other Government office under this title.

(c) TRANSMISSION TO THE NATIONAL ARCHIVES.—Each Government office shall—

(1) not later than 180 days after the date of enactment of this Act, commence transmission to the Archivist of copies of the Missing Armed Forces Personnel records in the custody, possession, or control of the Government office; and

(2) not later than 1 year after the date of enactment of this Act, complete transmission to the Archivist of copies of all Missing Armed Forces Personnel records in the possession or control of the Government office.

(d) PERIODIC REVIEW OF POSTPONED MISSING ARMED SERVICES PERSONNEL RECORDS.—

(1) IN GENERAL.—All Missing Armed Forces Personnel records, or information within a Missing Armed Forces Personnel record, the public disclosure of which has been postponed under the standards under this title shall be reviewed by the originating body—

(A)(i) periodically, but not less than every 5 years, after the date on which the Review Board terminates under section 1707(o); and

(ii) at the direction of the Archivist; and

(B) consistent with the recommendations of the Review Board under section 1709(b)(3)(B).

(2) CONTENTS.—

(A) IN GENERAL.—A periodic review of a Missing Armed Forces Personnel record, or information within a Missing Armed Forces Personnel record, by the originating body shall address the public disclosure of the Missing Armed Forces Personnel record under the standards under this title.

(B) CONTINUED POSTPONEMENT.—If an originating body conducting a periodic review of a Missing Armed Forces Personnel record, or information within a Missing Armed Forces Personnel record, the public disclosure of which has been postponed under the standards under this title, determines that continued postponement is required, the originating body shall provide to the Archivist an unclassified written description of the reason for the continued postponement that the Archivist shall highlight and make accessible on a publicly accessible website administered by the National Archives.

(C) SCOPE.—The periodic review of postponed Missing Armed Forces Personnel records, or information within a Missing Armed Forces Personnel record, shall serve the purpose stated in section 1702(b)(2), to provide expeditious public disclosure of Missing Armed Forces Personnel records, to the fullest extent possible, subject only to the grounds for postponement of disclosure under section 1706.

(D) DISCLOSURE ABSENT CERTIFICATION BY PRESIDENT.—Not later than 10 years after the date of enactment of this Act, all Missing Armed Forces Personnel records, and information within a Missing Armed Forces Personnel record, shall be publicly disclosed in full, and available in the Collection, unless—

(i) the head of the originating body, Executive agency, or other Government office recommends in writing that continued postponement is necessary;

(ii) the written recommendation described in clause (i)—

(I) is provided to the Archivist in unclassified and publicly releasable form not later than 180 days before the date that is 10 years after the date of enactment of this Act; and

(II) includes—

(aa) a justification of the recommendation to postpone disclosure with clear and convincing evidence that the identifiable harm is of such gravity that it outweighs the public interest in disclosure; and

(bb) a recommended specified time at which or a specified occurrence following which the material may be appropriately disclosed to the public under this title;

(iii) the Archivist transmits all recommended postponements and the recommendation of the Archivist to the President not later than 90 days before the date that is 10 years after the date of enactment of this Act; and

(iv) the President transmits to the Archivist a certification indicating that continued postponement is necessary and the identifiable harm, as demonstrated by clear and convincing evidence, is of such gravity that it outweighs the public interest in disclosure not later than the date that is 10 years after the date of enactment of this Act.

SEC. 1706. GROUNDS FOR POSTPONEMENT OF PUBLIC DISCLOSURE OF RECORDS.

(a) IN GENERAL.—Disclosure to the public of a Missing Armed Forces Personnel record or particular information in a Missing Armed Forces Personnel record created after the date that is 25 years before the date of the review of the Missing Armed Forces Personnel record by the Archivist may be postponed subject to the limitations under this title only—

(1) if it pertains to—

(A) military plans, weapons systems, or operations;

(B) foreign government information;

(C) intelligence activities (including covert action), intelligence sources or methods, or cryptology;

(D) foreign relations or foreign activities of the United States, including confidential sources;

(E) scientific, technological, or economic matters relating to the national security;

(F) United States Government programs for safeguarding nuclear materials or facilities;

(G) vulnerabilities or capabilities of systems, installations, infrastructures, projects, plans, or protection services relating to the national security; or

(H) the development, production, or use of weapons of mass destruction; and

(2) the threat posed by the public disclosure of the Missing Armed Forces Personnel record or information is of such gravity that it outweighs the public interest in disclosure.

(b) OLDER RECORDS.—Disclosure to the public of a Missing Armed Forces Personnel record or particular information in a Missing Armed Forces Personnel record created on or before the date that is 25 years before the date of the review of the Missing Armed Forces Personnel record by the Archivist may be postponed subject to the limitations under this title only if, as demonstrated by clear and convincing evidence—

(1) the release of the information would be expected to—

(A) reveal the identity of a confidential human source, a human intelligence source, a relationship with an intelligence or security service of a foreign government or international organization, or a nonhuman intelligence source, or impair the effectiveness of an intelligence method currently in use, available for use, or under development;

(B) reveal information that would impair United States cryptologic systems or activities;

(C) reveal formally named or numbered United States military war plans that remain in effect, or reveal operational or tactical elements of prior plans that are contained in such active plans; or

(D) reveal information, including foreign government information, that would cause serious harm to relations between the United States and a foreign government, or to ongoing diplomatic activities of the United States; and

(2) the threat posed by the public disclosure of the Missing Armed Forces Personnel record or information is of such gravity that it outweighs the public interest in disclosure.

(c) EXCEPTION.—Regardless of the age of a Missing Armed Forces Personnel record, disclosure to the public of information in the Missing Armed Forces Personnel record may be postponed if—

(1) the public disclosure of the information would reveal the name or identity of a living person who provided confidential information to the United States and would pose a substantial risk of harm to that person;

(2) the public disclosure of the information could reasonably be expected to constitute an unwarranted invasion of personal privacy, and that invasion of privacy is so substantial that it outweighs the public interest;

(3) the public disclosure of the information could reasonably be expected to cause harm to the methods currently in use or available for use by members of the Armed Forces to survive, evade, resist, or escape; or

(4) the President determines that the record is subject to a valid claim of executive privilege.

SEC. 1707. ESTABLISHMENT AND POWERS OF THE MISSING ARMED FORCES PERSONNEL RECORDS REVIEW BOARD.

(a) ESTABLISHMENT.—There is established as an independent establishment in the executive branch a board to be known as the ''Missing Armed Forces Personnel Records Review Board''.

(b) MEMBERSHIP.—

(1) APPOINTMENTS.—The President shall appoint, by and with the advice and consent of the Senate, 5 individuals to serve as a member of the Review Board to ensure and facilitate the review, transmission to the Archivist, and public disclosure of Missing Armed Forces Personnel records.

(2) QUALIFICATIONS.—The President should appoint individuals to serve as members of the Review Board—

(A) without regard to political affiliation;

(B) who are citizens of the United States of integrity and impartiality;

(C) who are not an employee of an Executive agency on the date of the appointment;

(D) who have high national professional reputation in their fields who are capable of exercising the independent and objective judgment necessary to the fulfillment of their role in ensuring and facilitating the identification, location, review, transmission to the Archivist, and public disclosure of Missing Armed Forces Personnel records;

(E) who possess an appreciation of the value of Missing Armed Forces Personnel records to scholars, the Federal Government, and the public, particularly families of Missing Armed Forces Personnel;

(F) not less than 1 of whom is a professional historian; and

(G) not less than 1 of whom is an attorney.

(3) DEADLINES.—

(A) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the President should submit nominations for all members of the Review Board.

(B) CONFIRMATION REJECTED.—If the Senate votes not to confirm a nomination to serve as a member of the Review Board, not later than 90 days after the date of the vote the President should submit the nomination of an additional individual to serve as a member of the Review Board.

(4) CONSULTATION.—The President should make nominations to the Review Board after considering individuals recommended by the American Historical Association, the Organization of American Historians, the Society of American Archivists, the American Bar Association, veterans' organizations, and organizations representing families of Missing Armed Forces Personnel.

(c) SECURITY CLEARANCES.—The appropriate departments, agencies, and elements of the executive branch of the Federal Government shall cooperate to ensure that an application by an individual nominated to be a member of the Review Board, seeking security clearances necessary to carry out the duties of the Review Board, is expeditiously reviewed and granted or denied.

(d) CONFIRMATION.—

(1) HEARINGS.—Not later than 30 days on which the Senate is in session after the date on which not less than 3 individuals have been nominated to serve as members of the Review Board, the Committee on Homeland Security and Governmental Affairs of the Senate shall hold confirmation hearings on the nominations.

(2) COMMITTEE VOTE.—Not later than 14 days on which the Senate is in session after the date on which the Committee on Homeland Security and Governmental Affairs holds a confirmation hearing on the nomination of an individual to serve as a member of the Review Board, the committee shall vote on the nomination and report the results to the full Senate immediately.

(3) SENATE VOTE.—Not later than 14 days on which the Senate is in session after the date on which the Committee on Homeland Security and Governmental Affairs reports the results of a vote on a nomination of an individual to serve as a member of the Review Board, the Senate shall vote on the confirmation of the nominee.

(e) VACANCY.—Not later than 60 days after the date on which a vacancy on the Review Board occurs, the vacancy shall be filled in the same manner as specified for original appointment.

(f) CHAIRPERSON.—The members of the Review Board shall elect a member as Chairperson at the initial meeting of the Review Board.

(g) REMOVAL OF REVIEW BOARD MEMBER.—

(1) IN GENERAL.—A member of the Review Board shall not be removed from office, other than—

(A) by impeachment by Congress; or

(B) by the action of the President.

(2) JUDICIAL REVIEW.—

(A) IN GENERAL.—A member of the Review Board removed from office may obtain judicial review of the removal in a civil action commenced in the United States District Court for the District of Columbia.

(B) RELIEF.—The member may be reinstated or granted other appropriate relief by order of the court.

(h) COMPENSATION OF MEMBERS.—

(1) BASIC PAY.—A member of the Review Board shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Review Board.

(2) TRAVEL EXPENSES.—A member of the Review Board shall be allowed reasonable travel expenses, including per diem in lieu of subsistence, at rates for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from the member's home or regular place of business in the performance of services for the Review Board.

(i) DUTIES OF THE REVIEW BOARD.—

(1) IN GENERAL.—The Review Board shall consider and render a decision on a determination by a Government office to seek to postpone the disclosure of a Missing Armed Forces Personnel record, in whole or in part.

(2) RECORDS.—In carrying out paragraph (1), the Review Board shall consider and render a decision regarding—

(A) whether a record constitutes a Missing Armed Forces Personnel record; and

(B) whether a Missing Armed Forces Personnel record, or particular information in a Missing Armed Forces Personnel record, qualifies for postponement of disclosure under this title.

(j) POWERS.—The Review Board shall have the authority to act in a manner prescribed under this title, including authority to—

(1) direct Government offices to transmit to the Archivist Missing Armed Forces Personnel records as required under this title;

(2) direct Government offices to transmit to the Archivist substitutes and summaries of Missing Armed Forces Personnel records that can be publicly disclosed to the fullest extent for any Missing Armed Forces Personnel record that is proposed for postponement;

(3) obtain access to Missing Armed Forces Personnel records that have been identified by a Government office;

(4) direct a Government office to make available to the Review Board, and if necessary investigate the facts surrounding, additional information, records, or testimony from individuals, which the Review Board has reason to believe is required to fulfill its functions and responsibilities under this title;

(5) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Review Board considers advisable to carry out its responsibilities under this title;

(6) hold individuals in contempt for failure to comply with directives and mandates issued by the Review Board under this title, which shall not include the authority to imprison or fine any individual;

(7) require any Government office to account in writing for the destruction of any records relating to the loss, fate, or status of Missing Armed Forces Personnel;

(8) receive information from the public regarding the identification and public disclosure of Missing Armed Forces Personnel records; and

(9) make a final determination regarding whether a Missing Armed Forces Personnel record will be disclosed to the public or disclosure of the Missing Armed Forces Personnel record to the public will be postponed, notwithstanding the determination of an Executive agency.

(k) WITNESS IMMUNITY.—The Review Board shall be considered to be an agency of the United States for purposes of section 6001 of title 18, United States Code.

(l) OVERSIGHT.—

(1) IN GENERAL.—The Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives shall have—

(A) continuing oversight jurisdiction with respect to the official conduct of the Review Board and the disposition of postponed records after termination of the Review Board; and

(B) upon request, access to any records held or created by the Review Board.

(2) DUTY OF REVIEW BOARD.—The Review Board shall have the duty to cooperate with the exercise of oversight jurisdiction under paragraph (1).

(m) SUPPORT SERVICES.—The Administrator of the General Services Administration shall provide administrative services for the Review Board on a reimbursable basis.

(n) INTERPRETIVE REGULATIONS.—The Review Board may issue interpretive regulations.

(o) TERMINATION AND WINDING UP.—

(1) IN GENERAL.—Two years after the date of enactment of this Act, the Review Board shall, by majority vote, determine whether all Government offices have complied with the obligations, mandates, and directives under this title.

(2) TERMINATION DATE.—The Review Board shall terminate on the date that is 4 years after the date of enactment of this Act.

(3) REPORT.—Before the termination of the Review Board under paragraph (2), the Review Board shall submit to Congress reports, including a complete and accurate accounting of expenditures during its existence, and shall complete all other reporting requirements under this title.

(4) RECORDS.—Upon termination of the Review Board, the Review Board shall transfer records of the Review Board maintained consistent with chapter 31 of title 44, United States Code (commonly referred to as the ''Federal Records Act of 1950''), to the Archivist for inclusion in the Collection.

SEC. 1708. MISSING ARMED FORCES PERSONNEL RECORDS REVIEW BOARD PERSONNEL.

(a) EXECUTIVE DIRECTOR.—

(1) IN GENERAL.—Not later than 45 days after the initial meeting of the Review

Board, the Review Board shall appoint an individual to the position of Executive Director.

(2) QUALIFICATIONS.—The individual appointed as Executive Director of the Review Board—

(A) shall be a citizen of the United States of integrity and impartiality;

(B) shall be appointed without regard to political affiliation; and

(C) shall not have any conflict of interest with the mission of the Review Board.

(3) SECURITY CLEARANCE.—

(A) LIMIT ON APPOINTMENT.—The Review Board shall not appoint an individual as Executive Director until after the date on which the individual qualifies for the necessary security clearance.

(B) EXPEDITED PROVISION.—The appropriate departments, agencies, and elements of the executive branch of the Federal Government shall cooperate to ensure that an application by an individual nominated to be Executive Director, seeking security clearances necessary to carry out the duties of the Executive Director, is expeditiously reviewed and granted or denied.

(4) DUTIES.—The Executive Director shall—

(A) serve as principal liaison to Government offices;

(B) be responsible for the administration and coordination of the review of records by the Review Board;

(C) be responsible for the administration of all official activities conducted by the Review Board; and

(D) not have the authority to decide or determine whether any record should be disclosed to the public or postponed for disclosure.

(5) REMOVAL.—The Executive Director may be removed by a majority vote of the Review Board.

(b) STAFF.—

(1) IN GENERAL.—The Review Board may, in accordance with the civil service laws, but without regard to civil service law and regulation for competitive service as defined in subchapter I of chapter 33 of title 5, United States Code, appoint and terminate additional employees as are necessary to enable the Review Board and the Executive Director to perform their duties under this title.

(2) QUALIFICATIONS.—An individual appointed to a position as an employee of the Review Board—

(A) shall be a citizen of the United States of integrity and impartiality; and

(B) shall not have had any previous involvement with any official investigation or inquiry relating to the loss, fate, or status of Missing Armed Forces Personnel.

(3) SECURITY CLEARANCE.—

(A) LIMIT ON APPOINTMENT.—The Review Board shall not appoint an individual as an employee of the Review Board until after the date on which the individual qualifies for the necessary security clearance.

(B) EXPEDITED PROVISION.—The appropriate departments, agencies, and elements of the executive branch of the Federal Government shall cooperate to ensure that an application by an individual who is a candidate for a position with the Review Board, seeking security clearances necessary to carry out the duties of the position, is expeditiously reviewed and granted or denied.

(c) COMPENSATION.—The Review Board shall fix the compensation of the Executive Director and other employees of the Review Board without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the Executive Director and other employees may not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(d) ADVISORY COMMITTEES.—

(1) IN GENERAL.—The Review Board may create 1 or more advisory committees to assist in fulfilling the responsibilities of the Review Board under this title.

(2) APPLICABILITY OF FACA.—Any advisory committee created by the Review Board shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 1709. REVIEW OF RECORDS BY THE MISSING ARMED FORCES PERSONNEL RECORDS REVIEW BOARD.

(a) STARTUP REQUIREMENTS.—The Review Board shall—

(1) not later than 90 days after the date on which all members are appointed, publish an initial schedule for review of all Missing Armed Forces Personnel records, which the Archivist shall highlight and make available on a publicly accessible website administered by the National Archives; and

(2) not later than 180 days after the date of enactment of this Act, begin reviewing of Missing Armed Forces Personnel records under this title.

(b) DETERMINATION OF THE REVIEW BOARD.—

(1) IN GENERAL.—The Review Board shall direct that all records that relate, directly or indirectly, to the loss, fate, or status of Missing Armed Forces Personnel be transmitted to the Archivist and disclosed to the public in the Collection in the absence of clear and convincing evidence that—

(A) the record is not a Missing Armed Forces Personnel record; or

(B) the Missing Armed Forces Personnel record, or particular information within the Missing Armed Forces Personnel record, qualifies for postponement of public disclosure under this title.

(2) POSTPONEMENT.—In approving postponement of public disclosure of a Missing Armed Forces Personnel record, or information within a Missing Armed Forces Personnel record, the Review Board shall seek to—

(A) provide for the disclosure of segregable parts, substitutes, or summaries of the Missing Armed Forces Personnel record; and

(B) determine, in consultation with the originating body and consistent with the standards for postponement under this title, which of the following alternative forms of disclosure shall be made by the originating body:

(i) Any reasonably segregable particular information in a Missing Armed Forces Personnel record.

(ii) A substitute record for that information which is postponed.

(iii) A summary of a Missing Armed Forces Personnel record.

(3) REPORTING.—With respect to a Missing Armed Forces Personnel record, or information within a Missing Armed Forces Personnel record, the public disclosure of which is postponed under this title, or for which only substitutions or summaries have been disclosed to the public, the Review Board shall create and transmit to the Archivist an unclassified and publicly releasable report containing—

(A) a description of actions by the Review Board, the originating body, or any Government office (including a justification of any such action to postpone disclosure of any record or part of any record) and of any official proceedings conducted by the Review Board; and

(B) a statement, based on a review of the proceedings and in conformity with the decisions reflected therein, designating a recommended specified time at which, or a specified occurrence following which, the material may be appropriately disclosed to the public under this title, which the Review Board shall disclose to the public with notice thereof, reasonably calculated to make interested members of the public aware of the existence of the statement.

(4) ACTIONS AFTER DETERMINATION.—

(A) IN GENERAL.—Not later than 14 days after the date of a determination by the Review Board that a Missing Armed Forces Personnel record shall be publicly disclosed in the Collection or postponed for disclosure and held in the protected Collection, the Review Board shall notify the head of the originating body of the determination and highlight and make available the determination on a publicly accessible website reasonably calculated to make interested members of the public aware of the existence of the determination.

(B) OVERSIGHT NOTICE.—Simultaneous with notice under subparagraph (A), the Review Board shall provide notice of a determination concerning the public disclosure or postponement of disclosure of a Missing Armed Forces Personnel record, or information contained within a Missing Armed Forces Personnel record, which shall include a written unclassified justification for public disclosure or postponement of disclosure, including an explanation of the application of any standards in section 1706 to the President, to the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Oversight and Reform of the House of Representatives.

(5) REFERRAL AFTER TERMINATION.—A Missing Armed Forces Personnel record that is identified, located, or otherwise discovered after the date on which the Review Board terminates shall be transmitted to the Archivist for the Collection and referred to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives for review, ongoing oversight and, as warranted, referral for possible enforcement action relating to a violation of this title and determination as to whether declassification of the Missing Armed Forces Personnel is warranted under this title.

(c) NOTICE TO PUBLIC.—Every 30 days, beginning on the date that is 60 days after the date on which the Review Board first approves the postponement of disclosure of a Missing Armed Forces Personnel record, the Review Board shall highlight and make accessible on a publicly available website reasonably calculated to make interested members of the public aware of the existence of the postponement a notice that summarizes the postponements approved by the Review Board, including a description of the subject, originating body, length or other physical description, and each ground for postponement that is relied upon.

(d) REPORTS BY THE REVIEW BOARD.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and every year thereafter until the Review Board terminates, the Review Board shall submit a report regarding the activities of the Review Board to—

(A) the Committee on Oversight and Reform of the House of Representatives;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate;

(C) the President;

(D) the Archivist; and

(E) the head of any Government office the records of which have been the subject of Review Board activity.

(2) CONTENTS.—Each report under paragraph (1) should include the following information:

(A) A financial report of the expenses for all official activities and requirements of the Review Board and its employees.

(B) The progress made on review, transmission to the Archivist, and public disclosure of Missing Armed Forces Personnel records.

(C) The estimated time and volume of Missing Armed Forces Personnel records involved in the completion of the duties of the Review Board under this title.

(D) Any special problems, including requests and the level of cooperation of Government offices, with regard to the ability of the Review Board to carry out its duties under this title.

(E) A record of review activities, including a record of postponement decisions by the Review Board or other related actions authorized under this title, and a record of the volume of records reviewed and postponed.

(F) Suggestions and requests to Congress for additional legislative authority needs.

(G) An appendix containing copies of reports relating to postponed records submitted to the Archivist under subsection (b)(3) since the end of the period covered by the most recent report under paragraph (1).

(3) TERMINATION NOTICE.—Not later than 90 days before the Review Board expects to complete the work of the Review Board under this title, the Review Board shall provide written notice to Congress of the intent of the Review Board to terminate operations at a specified date.

SEC. 1710. DISCLOSURE OF OTHER MATERIALS AND ADDITIONAL STUDY.

(a) MATERIALS UNDER SEAL OF COURT.—

(1) IN GENERAL.—The Review Board may request the Attorney General to petition any court of the United States or of a foreign country to release any information relevant to the loss, fate, or status of Missing Armed Forces Personnel that is held under seal of the court.

(2) GRAND JURY INFORMATION.—

(A) IN GENERAL.—The Review Board may request the Attorney General to petition any court of the United States to release any information relevant to loss, fate, or status of Missing Armed Forces Personnel that is held under the injunction of secrecy of a grand jury.

(B) TREATMENT.—A request for disclosure of Missing Armed Forces Personnel materials under this title shall be deemed to constitute a showing of particularized need under rule 6 of the Federal Rules of Criminal Procedure.

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

(1) the Attorney General should assist the Review Board in good faith to unseal any records that the Review Board determines to be relevant and held under seal by a court or under the injunction of secrecy of a grand jury;

(2) the Secretary of State should—

(A) contact the Governments of the Russian Federation, the People's Republic of China, and the Democratic People's Republic of Korea to seek the disclosure of all records in their respective custody, possession, or control relevant to the loss, fate, or status of Missing Armed Forces Personnel; and

(B) contact any other foreign government that may hold information relevant to the loss, fate, or status of Missing Armed Forces Personnel, and seek disclosure of such information; and

(3) all agencies should cooperate in full with the Review Board to seek the disclosure of all information relevant to the loss, fate, or status of Missing Armed Forces Personnel consistent with the public interest.

SEC. 1711. RULES OF CONSTRUCTION.

(a) PRECEDENCE OVER OTHER LAW.—When this title requires transmission of a record to the Archivist or public disclosure, it shall take precedence over any other law (except section 6103 of the Internal Revenue Code of 1986), judicial decision construing such law, or common law doctrine that would otherwise prohibit such transmission or disclosure, with the exception of deeds governing access to or transfer or release of gifts and donations of records to the United States Government.

(b) FREEDOM OF INFORMATION ACT.—Nothing in this title shall be construed to eliminate or limit any right to file requests with any Executive agency or seek judicial review of the decisions under section 552 of title 5, United States Code.

(c) JUDICIAL REVIEW.—Nothing in this title shall be construed to preclude judicial review under chapter 7 of title 5, United States Code, of final actions taken or required to be taken under this title.

(d) EXISTING AUTHORITY.—Nothing in this title revokes or limits the existing authority of the President, any Executive agency, the Senate, or the House of Representatives, or any other entity of the Government to publicly disclose records in its custody, possession, or control.

(e) RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES.—To the extent that any provision of this title establishes a procedure to be followed in the Senate or the House of Representatives, such provision is adopted—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and is deemed to be part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 1712. TERMINATION OF EFFECT OF TITLE.

(a) PROVISIONS PERTAINING TO THE REVIEW BOARD.—The provisions of this title that pertain to the appointment and operation of the Review Board shall cease to be effective when the Review Board and the terms of its members have terminated under section 1707(o).

(b) OTHER PROVISIONS.—The remaining provisions of this title shall continue in effect until such time as the Archivist certifies to the President and Congress that all Missing Armed Forces Personnel records have been made available to the public in accordance with this title.

SEC. 1713. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this title, including such sums as are necessary for the Archivist to implement the requirements of this Act, to remain available until expended.

(b) INTERIM FUNDING.—Until such time as funds are appropriated pursuant to subsection (a), the President may use such sums as are available for discretionary use to carry out this title.

SEC. 1714. SEVERABILITY.

If any provision of this title, or the application thereof to any person or circumstance, is held invalid, the remainder of this title and the application of that provision to other persons not similarly situated or to other circumstances shall not be affected by the invalidation.

SA 2230. Mr. RISCH (for himself, Ms. CORTEZ MASTO, Mr. KENNEDY, Ms. ROSEN, and Mrs. CAPITO) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle E of title VIII, insert the following:

SEC. ___. FEDERAL AND STATE TECHNOLOGY PARTNERSHIP PROGRAM.

Section 34 of the Small Business Act (15 U.S.C. 657d) is amended—

(1) in subsection (a), by adding at the end the following:

''(11) SMALL BUSINESS CONCERN OWNED AND CONTROLLED BY SOCIALLY ECONOMICALLY DISADVANTAGED INDIVIDUALS.—The term 'small business concern owned and controlled by socially and economically disadvantaged individuals' has the meaning given the term in section 8(d)(3)(C).

''(12) UNDERPERFORMING STATE.—The term 'underperforming State' means a State participating in the SBIR or STTR program that has been calculated by the Administrator to be one of 18 States receiving the fewest SBIR and STTR Phase I awards.'';

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (E)—

(I) in clause (iii), by striking ''and'' at the end;

(II) in clause (iv), by striking the period at the end and inserting ''; and''; and

(III) by adding at the end the following:

''(v) to prioritize applicants located in an underperforming State.'';

(B) in paragraph (2)—

(i) in subparagraph (B)(vi)—

(I) in clause (II), by striking ''and'' at the end; and

(II) by adding at the end the following:

''(IV) located in an underperforming State; and'';

(ii) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(D) shall give first priority and special consideration to an applicant that—

''(i) is located in an underperforming State; or

''(ii) serves small business concerns owned and controlled by—

''(I) women;

''(II) socially and economically disadvantaged individuals; or

''(III) veterans.'';

(C) in paragraph (3), by striking ''Not more than one proposal'' and inserting ''There is no limit on the number of proposals that''; and

(D) by adding at the end the following:

''(6) ADDITIONAL ASSISTANCE FOR UNDERPERFORMING STATES.—Upon application by a recipient that is located in an underperforming State, the Administrator may—

''(A) provide additional assistance to the recipient; and

''(B) waive the matching requirements under subsection (e)(2).'';

(3) in subsection (e)—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) by inserting ''and STTR'' before ''first phase'' each place that term appears;

(II) in clause (i), by striking ''50'' and inserting ''25'';

(III) in clause (ii), by striking ''1 dollar'' and inserting ''75 cents''; and

(IV) in clause (iii), by striking ''75'' and inserting ''50'';

(ii) in subparagraph (D), by striking '', beginning with fiscal year 2001'' and inserting ''and make publicly available on the website

of the Administration, beginning with fiscal year 2021''; and

(iii) by adding at the end the following:

''(E) PAYMENT.—The non-Federal share of the cost of an activity carried out by a recipient may be paid by the recipient over the course of the period of the award or cooperative agreement.''; and

(B) by adding at the end the following:

''(4) AMOUNT OF AWARD.—In carrying out the FAST program under this section—

''(A) the Administrator shall make and enter into not less than 12 awards or cooperative agreements;

''(B) each award or cooperative agreement described in subparagraph (A) shall be for not more than $500,000, which shall be provided over 2 fiscal years; and

''(C) any amounts left unused in the third quarter of the second fiscal year may be retained by the Administrator for future FAST program awards.

''(5) REPORTING.—Not later than 6 months after receiving an award or entering into a cooperative agreement under this section, a recipient shall report to the Administrator—

''(A) the number of awards made under the SBIR or STTR program;

''(B) the number of applications submitted for the SBIR or STTR program;

''(C) the number of consulting hours spent;

''(D) the number of training events conducted; and

''(E) any issues encountered in the management and application of the FAST program.'';

(4) in subsection (f)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A)—

(I) by striking ''Not later than 120 days after the date of the enactment of the Small Business Innovation Research Program Reauthorization Act of 2000'' and inserting ''December 31, 2020''; and

(II) by inserting ''and Entrepreneurship'' before ''of the Senate'';

(ii) in subparagraph (B), by striking ''and'' at the end;

(iii) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(D) a description of the process used to ensure that underperforming States and applicants that serve small business concerns owned and controlled by women, socially and economically disadvantaged individuals, or veterans are given priority application status under the FAST program.''; and

(B) in paragraph (2)—

(i) in the paragraph heading, by striking ''ANNUAL'' and inserting ''BIENNIAL'';

(ii) in the matter preceding subparagraph (A), by striking ''annual'' and inserting ''biennial'';

(iii) in subparagraph (B), by striking ''and'' at the end;

(iv) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(v) by adding at the end the following:

''(D) the proportion of awards provided to and cooperative agreements entered into with underperforming States; and

''(E) a list of the States that were determined by the Administrator to be underperforming States, and a description of any changes in the list compared to previously submitted reports.'';

(5) in subsection (g)(2)—

(A) by striking ''2004'' and inserting ''2021''; and

(B) by inserting ''and Entrepreneurship'' before ''of the Senate''; and

(6) in subsection (h)(1), by striking ''$10,000,000 for each of fiscal years 2001 through 2005'' and inserting ''$20,000,000 for every 2 fiscal years between fiscal years 2021 through 2025, to be obligated before the end of the second fiscal year''.

SA 2231. Mrs. FISCHER (for herself, Mr. SCHATZ, Mr. GARDNER, and Mr. BOOKER) submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. INTERNET OF THINGS.

(a) DEFINITIONS.—In this section:

(1) COMMISSION.—The term ''Commission'' means the Federal Communications Commission.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

(3) STEERING COMMITTEE.—The term ''steering committee'' means the steering committee established under subsection (b)(5)(A).

(4) WORKING GROUP.—The term ''working group'' means the working group convened under subsection (b)(1).

(b) FEDERAL WORKING GROUP.—

(1) IN GENERAL.—The Secretary shall convene a working group of Federal stakeholders for the purpose of providing recommendations and a report to Congress relating to the aspects of the Internet of Things described in paragraph (2).

(2) DUTIES.—The working group shall—

(A) identify any Federal regulations, statutes, grant practices, budgetary or jurisdictional challenges, and other sector-specific policies that are inhibiting, or could inhibit, the development or deployment of the Internet of Things;

(B) consider policies or programs that encourage and improve coordination among Federal agencies that have responsibilities that are relevant to the objectives of this section;

(C) consider any findings or recommendations made by the steering committee and, where appropriate, act to implement those recommendations;

(D) examine—

(i) how Federal agencies can benefit from utilizing the Internet of Things;

(ii) the use of Internet of Things technology by Federal agencies as of the date on which the working group performs the examination;

(iii) the preparedness and ability of Federal agencies to adopt Internet of Things technology as of the date on which the working group performs the examination and in the future; and

(iv) any additional security measures that Federal agencies may need to take to—

(I) safely and securely use the Internet of Things, including measures that ensure the security of critical infrastructure; and

(II) enhance the resiliency of Federal systems against cyber threats to the Internet of Things; and

(E) in carrying out the examinations required under subclauses (I) and (II) of subparagraph (D)(iv), ensure to the maximum extent possible the coordination of the current and future activities of the Federal Government relating to security with respect to the Internet of Things.

(3) AGENCY REPRESENTATIVES.—In convening the working group under paragraph (1), the Secretary shall have discretion to appoint representatives from Federal agencies and departments as appropriate and shall specifically consider seeking representation from—

(A) the Department of Commerce, including—

(i) the National Telecommunications and Information Administration;

(ii) the National Institute of Standards and Technology; and

(iii) the National Oceanic and Atmospheric Administration;

(B) the Department of Transportation;

(C) the Department of Homeland Security;

(D) the Office of Management and Budget;

(E) the National Science Foundation;

(F) the Commission;

(G) the Federal Trade Commission;

(H) the Office of Science and Technology Policy;

(I) the Department of Energy; and

(J) the Federal Energy Regulatory Commission.

(4) NONGOVERNMENTAL STAKEHOLDERS.—The working group shall consult with nongovernmental stakeholders with expertise relating to the Internet of Things, including—

(A) the steering committee;

(B) information and communications technology manufacturers, suppliers, service providers, and vendors;

(C) subject matter experts representing industrial sectors other than the technology sector that can benefit from the Internet of Things, including the transportation, energy, agriculture, and health care sectors;

(D) small, medium, and large businesses;

(E) think tanks and academia;

(F) nonprofit organizations and consumer groups;

(G) security experts;

(H) rural stakeholders; and

(I) other stakeholders with relevant expertise, as determined by the Secretary.

(5) STEERING COMMITTEE.—

(A) ESTABLISHMENT.—There is established within the Department of Commerce a steering committee to advise the working group.

(B) DUTIES.—The steering committee shall advise the working group with respect to—

(i) the identification of any Federal regulations, statutes, grant practices, programs, budgetary or jurisdictional challenges, and other sector-specific policies that are inhibiting, or could inhibit, the development of the Internet of Things;

(ii) situations in which the use of the Internet of Things is likely to deliver significant and scalable economic and societal benefits to the United States, including benefits from or to—

(I) smart traffic and transit technologies;

(II) augmented logistics and supply chains;

(III) sustainable infrastructure;

(IV) precision agriculture;

(V) environmental monitoring;

(VI) public safety; and

(VII) health care;

(iii) whether adequate spectrum is available to support the growing Internet of Things and what legal or regulatory barriers may exist to providing any spectrum needed in the future;

(iv) policies, programs, or multi-stakeholder activities that—

(I) promote or are related to the privacy of individuals who use or are affected by the Internet of Things;

(II) may enhance the security of the Internet of Things, including the security of critical infrastructure;

(III) may protect users of the Internet of Things; and

(IV) may encourage coordination among Federal agencies with jurisdiction over the Internet of Things;

(v) the opportunities and challenges associated with the use of Internet of Things technology by small businesses; and

(vi) any international proceeding, international negotiation, or other international matter affecting the Internet of Things to which the United States is or should be a party.

(C) MEMBERSHIP.—The Secretary shall appoint to the steering committee members representing a wide range of stakeholders outside of the Federal Government with expertise relating to the Internet of Things, including—

(i) information and communications technology manufacturers, suppliers, service providers, and vendors;

(ii) subject matter experts representing industrial sectors other than the technology sector that can benefit from the Internet of Things, including the transportation, energy, agriculture, and health care sectors;

(iii) small, medium, and large businesses;

(iv) think tanks and academia;

(v) nonprofit organizations and consumer groups;

(vi) security experts;

(vii) rural stakeholders; and

(viii) other stakeholders with relevant expertise, as determined by the Secretary.

(D) REPORT.—Not later than 1 year after the date of enactment of this Act, the steering committee shall submit to the working group a report that includes any findings or recommendations of the steering committee.

(E) INDEPENDENT ADVICE.—

(i) IN GENERAL.—The steering committee shall set the agenda of the steering committee in carrying out the duties of the steering committee under subparagraph (B).

(ii) SUGGESTIONS.—The working group may suggest topics or items for the steering committee to study, and the steering committee shall take those suggestions into consideration in carrying out the duties of the steering committee.

(iii) REPORT.—The steering committee shall ensure that the report submitted under subparagraph (D) is the result of the independent judgment of the steering committee.

(F) NO COMPENSATION FOR MEMBERS.—A member of the steering committee shall serve without compensation.

(G) TERMINATION.—The steering committee shall terminate on the date on which the working group submits the report under paragraph (6).

(6) REPORT TO CONGRESS.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the working group shall submit to Congress a report that includes—

(i) the findings and recommendations of the working group with respect to the duties of the working group under paragraph (2);

(ii) the report submitted by the steering committee under paragraph (5)(D), as the report was received by the working group;

(iii) recommendations for action or reasons for inaction, as applicable, with respect to each recommendation made by the steering committee in the report submitted under paragraph (5)(D); and

(iv) an accounting of any progress made by Federal agencies to implement recommendations made by the working group or the steering committee.

(B) COPY OF REPORT.—The working group shall submit a copy of the report described in subparagraph (A) to—

(i) the Committee on Commerce, Science, and Transportation and the Committee on Energy and Natural Resources of the Senate;

(ii) the Committee on Energy and Commerce of the House of Representatives; and

(iii) any other committee of Congress, upon request to the working group.

(c) ASSESSING SPECTRUM NEEDS.—

(1) IN GENERAL.—The Commission, in consultation with the National Telecommunications and Information Administration, shall issue a notice of inquiry seeking public comment on the current, as of the date of enactment of this Act, and future spectrum needs to enable better connectivity relating to the Internet of Things.

(2) REQUIREMENTS.—In issuing the notice of inquiry under paragraph (1), the Commission shall seek comments that consider and evaluate—

(A) whether adequate spectrum is available, or is planned for allocation, for commercial wireless services that could support the growing Internet of Things;

(B) if adequate spectrum is not available for the purposes described in subparagraph (A), how to ensure that adequate spectrum is available for increased demand with respect to the Internet of Things;

(C) what regulatory barriers may exist to providing any needed spectrum that would support uses relating to the Internet of Things; and

(D) what the role of unlicensed and licensed spectrum is and will be in the growth of the Internet of Things.

(3) REPORT.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report summarizing the comments submitted in response to the notice of inquiry issued under paragraph (1).

SA 2232. Ms. MCSALLY (for herself, Mr. CORNYN, and Mr. CASSIDY) submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X of division A, add the following:

SEC. 1085. LIMITATION ON CERTAIN ROLLING STOCK PROCUREMENTS.

Section 5323(u)(5) of title 49, United States Code, is amended—

(1) by striking ''(A) PARTIES TO EXECUTED CONTRACTS.—''; and

(2) by striking subparagraphs (B) and (C).

SA 2233. Mr. LANKFORD (for himself, Mr. ENZI, Ms. HASSAN, and Ms. SINEMA) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—TAXPAYERS RIGHT-TO-KNOW

SEC. ____01. SHORT TITLE.

This title may be cited as the ''Taxpayers Right-To-Know Act''.

SEC. ____02. INVENTORY OF GOVERNMENT PROGRAMS.

Section 1122(a) of title 31, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(2) by inserting before paragraph (2), as so redesignated, the following:

''(1) DEFINITIONS.—For purposes of this subsection—

''(A) the term 'Federal financial assistance' has the meaning given that term under section 7501;

''(B) the term 'open Government data asset' has the meaning given that term under section 3502 of title 44;

''(C) the term 'program' means a single program activity or an organized set of aggregated, disaggregated, or consolidated program activities by one or more agencies directed toward a common purpose or goal; and

''(D) the term 'program activity' has the meaning given that term in section 1115(h).'';

(3) in paragraph (2), as so redesignated—

(A) by striking ''IN GENERAL.—Not later than October 1, 2012, the Office of Management and Budget shall'' and inserting ''WEBSITE AND PROGRAM INVENTORY.—The Director of the Office of Management and Budget shall'';

(B) in subparagraph (A), by inserting ''that includes the information required under subsections (b) and (c)'' after ''a single website''; and

(C) by striking subparagraphs (B) and (C) and inserting the following:

''(B) include on the website described in subparagraph (A), or another appropriate Federal Government website where related information is made available, as determined by the Director—

''(i) a program inventory that shall identify each program; and

''(ii) for each program identified in the program inventory, the information required under paragraph (3);

''(C) make the information in the program inventory required under subparagraph (B) available as an open Government data asset; and

''(D) at a minimum—

''(i) update the information required to be included on the single website under subparagraph (A) on a quarterly basis; and

''(ii) update the program inventory required under subparagraph (B) on an annual basis.'';

(4) in paragraph (3), as so redesignated—

(A) in the matter preceding subparagraph (A), by striking ''described under paragraph (1) shall include'' and inserting ''identified in the program inventory required under paragraph (2)(B) shall include'';

(B) in subparagraph (B), by striking ''and'' at the end;

(C) in subparagraph (C), by striking the period at the end and inserting ''and,''; and

(D) by adding at the end the following:

''(D) for each program activity that is part of a program—

''(i) a description of the purposes of the program activity and the contribution of the program activity to the mission and goals of the agency;

''(ii) a consolidated view for the current fiscal year and each of the 2 fiscal years before the current fiscal year of—

''(I) the amount appropriated;

''(II) the amount obligated; and

''(III) the amount outlayed;

''(iii) to the extent practicable and permitted by law, links to any related evaluation, assessment, or program performance review by the agency, an inspector general, or the Government Accountability Office (including program performance reports required under section 1116), and other related evidence assembled in response to implementation of the Foundations for Evidence-Based Policymaking Act of 2018 (Public Law 115–435; 132 Stat. 5529);

''(iv) an identification of the statutes that authorize the program activity or the authority under which the program activity was created or operates;

''(v) an identification of any major regulations specific to the program activity;

''(vi) any other information that the Director of the Office of Management and Budget determines relevant relating to program activity data in priority areas most relevant to Congress or the public to increase transparency and accountability; and

''(vii) for each assistance listing under which Federal financial assistance is provided, for the current fiscal year and each of the 2 fiscal years before the current fiscal year and consistent with existing law relating to the protection of personally identifiable information—

''(I) a linkage to the relevant program activities that fund Federal financial assistance by assistance listing;

''(II) information on the population intended to be served by the assistance listing based on the language of the solicitation, as required under section 6102;

''(III) to the extent practicable and based on data reported to the agency providing the Federal financial assistance, the results of the Federal financial assistance awards provided by the assistance listing;

''(IV) to the extent practicable, the percentage of the amount appropriated for the assistance listing that is used for management and administration;

''(V) the identification of each award of Federal financial assistance and, to the extent practicable, the name of each direct or indirect recipient of the award; and

''(VI) any information relating to the award of Federal financial assistance that is required to be included on the website established under section 2(b) of the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note).''; and

(5) by adding at the end the following:

''(4) ARCHIVING.—The Director of the Office of Management and Budget shall—

''(A) archive and preserve the information included in the program inventory required under paragraph (2)(B) after the end of the period during which such information is made available under paragraph (3); and

''(B) make information archived in accordance with subparagraph (A) publicly available as an open Government data asset.''.

SEC. ___03. GUIDANCE, IMPLEMENTATION, REPORTING, AND REVIEW.

(a) DEFINITIONS.—In this section—

(1) the term ''appropriate congressional committees'' means the Committee on Oversight and Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate;

(2) the term ''Director'' means the Director of the Office of Management and Budget;

(3) the term ''program'' has the meaning given that term in section 1122(a)(1) of title 31, United States Code, as amended by section ___02 of this title;

(4) the term ''program activity'' has the meaning given that term in section 1115(h) of title 31, United States Code; and

(5) the term ''Secretary'' means the Secretary of the Treasury.

(b) PLAN FOR IMPLEMENTATION AND RECONCILING PROGRAM DEFINITIONS.—Not later than 180 days after the date of enactment of this Act, the Director, in consultation with the Secretary, shall submit to the appropriate congressional committees a report that—

(1) includes a plan that—

(A) discusses how making available on a website the information required under subsection (a) of section 1122 of title 31, United States Code, as amended by section ___02, will leverage existing data sources while avoiding duplicative or overlapping information in presenting information relating to program activities and programs;

(B) indicates how any gaps in data will be assessed and addressed;

(C) indicates how the Director will display such data; and

(D) discusses how the Director will expand the information collected with respect to program activities to incorporate the information required under the amendments made by section ___02;

(2) sets forth details regarding a pilot program, developed in accordance with best practices for effective pilot programs—

(A) to develop and implement a functional program inventory that could be limited in scope; and

(B) under which the information required under the amendments made by section ___02 with respect to program activities shall be made available on the website required under section 1122(a) of title 31, United States Code;

(3) establishes an implementation timeline for—

(A) gathering and building program activity information;

(B) developing and implementing the pilot program;

(C) seeking and responding to stakeholder comments;

(D) developing and presenting findings from the pilot program to the appropriate congressional committees;

(E) notifying the appropriate congressional committees regarding how program activities will be aggregated, disaggregated, or consolidated as part of identifying programs; and

(F) implementing a Governmentwide program inventory through an iterative approach; and

(4) includes recommendations, if any, to reconcile the conflicting definitions of the term ''program'' in relevant Federal statutes, as it relates to the purpose of this title.

(c) IMPLEMENTATION.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Director shall make available online all information required under the amendments made by section ___02 with respect to all programs.

(2) EXTENSIONS.—The Director may, based on an analysis of the costs of implementation, and after submitting to the appropriate congressional committees a notification of the action by the Director, extend the deadline for implementation under paragraph (1) by not more than a total of 1 year.

(d) REPORTING.—Not later than 2 years after the date on which the Director makes available online all information required under the amendments made by section ___02 with respect to all programs, the Comptroller General of the United States shall submit to the appropriate congressional committees a report regarding the implementation of this title and the amendments made by this title, which shall—

(1) review how the Director and agencies determined how to aggregate, disaggregate, or consolidate program activities to provide the most useful information for an inventory of Government programs;

(2) evaluate the extent to which the program inventory required under section 1122 of title 31, United States Code, as amended by this title, provides useful information for transparency, decision-making, and oversight;

(3) evaluate the extent to which the program inventory provides a coherent picture of the scope of Federal investments in particular areas; and

(4) include the recommendations of the Comptroller General, if any, for improving implementation of this title and the amendments made by this title.

SEC. ___04. TECHNICAL AND CONFORMING AMENDMENTS.

(a) IN GENERAL.—Section 1122 of title 31, United States Code, is amended—

(1) in subsection (b), in the matter preceding paragraph (1), by inserting ''described in subsection (a)(2)(A)'' after ''the website'' each place it appears;

(2) in subsection (c), in the matter preceding paragraph (1), by inserting ''described in subsection (a)(2)(A)'' after ''the website''; and

(3) in subsection (d)—

(A) in the subsection heading, by striking ''ON WEBSITE''; and

(B) in the first sentence, by striking ''on the website''.

(b) OTHER AMENDMENTS.—

(1) Section 1115(a) of title 31, United States Code, is amended in the matter preceding paragraph (1) by striking ''the website provided under'' and inserting ''a website described in''.

(2) Section 10 of the GPRA Modernization Act of 2010 (31 U.S.C. 1115 note) is amended—

(A) in subsection (a)(3), by striking ''the website described under'' and inserting ''a website described in''; and

(B) in subsection (b)—

(i) in paragraph (1), by striking ''the website described under'' and inserting ''a website described in''; and

(ii) in paragraph (3), by striking ''the website as required under'' and inserting ''a website described in''.

(3) Section 1120(a)(5) of title 31, United States Code, is amended by striking ''the website described under'' and inserting ''a website described in''.

(4) Section 1126(b)(2)(E) of title 31, United States Code, is amended by striking ''the website of the Office of Management and Budget pursuant to'' and inserting ''a website described in''.

(5) Section 3512(a)(1) of title 31, United States Code, is amended by striking ''the website described under'' and inserting ''a website described in''.

SA 2234. Mr. ROUNDS submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII, add the following:

SEC. 1242. FEASIBILITY STUDY ON INCREASED ROTATIONAL DEPLOYMENTS TO GREECE.

(a) IN GENERAL.—The Secretary of Defense shall conduct a study on the feasibility of increased rotational deployments of members of the Armed Forces to Greece, including to Souda Bay, Alexandroupoli, Larissa, Volos, and Stefanovikeio.

(b) ELEMENT.—The study required by subsection (a) shall include an evaluation of any infrastructure investment necessary to support such increased rotational deployments.

(c) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the results of the study required by subsection (a).

SA 2235. Mr. ROUNDS submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title VIII, add the following:

SEC. 884. PILOT PROGRAM EXPLORING THE USE OF CONSUMPTION-BASED SOLUTIONS TO ADDRESS SOFTWARE-INTENSIVE WARFIGHTING CAPABILITY.

(a) FINDING.—In its final report, the Section 809 Panel recommended the adoption of consumption-based approaches at the Department of Defense, stating, ''More things will be sold as a service in the future. XaaS could really mean everything in the context of the Internet of things (IoT). Consumption-based solutions are appearing in many industry sectors, from last mile transportation (e.g., bike shares and electric scooters) to agriculture (e.g., tractor-as-a-service for farmers in developing countries). Most smart phone users are familiar with software updates that provide bug fixes or new features. A more extreme example of technology innovation enabled by the IoT is the ability to deliver physical performance improvements to vehicles through over-the-air software updates. . . In the not-so-distant future, cloud computing and the IoT will enable consumption-based solution offerings and delivery models that are hard to imagine today.''

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

(1) that the Department of Defense should take advantage of ''as-a-service'' or ''aaS'' approaches in commercial capability development, particularly where the capability is software-defined, and cloud-enabled;

(2) to support the Department of Defense's commitment to new approaches to development and acquisition of software;

(3) that the Department should explore a variety of approaches, to include the use of consumption-based solutions for software-intensive warfighting capability; and

(4) that, in conducting activities under the pilot program established under this program, the Department should use the Software pathway under the new Adaptive Acquisition Framework.

(c) IN GENERAL.—Subject to the availability of appropriations, the Secretary of Defense is authorized to establish a pilot program to explore the use of consumption-based solutions to address software-intensive warfighting capability.

(d) SELECTION OF INITIATIVES.—The Secretary of each military department and the commander of each combatant command with acquisition authority shall propose for selection by the Secretary of Defense for the pilot program at least one and not more than three initiatives that are well-suited to explore consumption-based solutions to address software-intensive warfighting capability. The initiatives may be new or existing programs of record and shall focus on software-defined or machine-enabled warfighting applications, and may include applications that—

(1) rapidly analyze sensor data;

(2) secure warfighter networks, including multi-level security;

(3) swiftly transport information across various networks and network modalities; or

(4) otherwise enable joint all-domain operational concepts, including in a contested environment.

(e) CONTRACT REQUIREMENTS.—Contracts for consumption-based solutions entered into pursuant to the pilot program shall provide for—

(1) the solution to be measurable on a frequent interval customary for the type of solution;

(2) the contractor to notify the government when consumption reaches 75 percent and 90 percent of the contract funded amount; and

(3) discretion for the contracting officer to add new features or capabilities without additional competition for the contract, provided that the amount of the new features or capabilities does not exceed 25 percent of the total contract value.

(f) DURATION OF INITIATIVES.—Each initiative carried out under the pilot program shall be carried out during the three-year period following selection of the initiative.

(g) MONITORING AND EVALUATION OF PILOT PROGRAM.—The Director of the Office of Cost Assessment and Program Evaluation shall establish continuous monitoring to evaluate the pilot program established under subsection (c), including collecting data on cost, schedule, and performance from the program office, the user community, and the contractors.

(h) REPORTS.—

(1) INITIAL REPORT.—Not later than January 31, 2021, the Secretary of Defense shall submit to the congressional defense committees a report on initiatives selected for the pilot program, roles and responsibilities for implementing the pilot program, and the monitoring and evaluation approach for the pilot.

(2) PROGRESS REPORT.—Not later than April 15, 2021, the Secretary of Defense shall submit to the congressional defense committees a report on the progress of the initiatives.

(3) FINAL REPORT.—Not later than 3 years after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the cost, schedule, and performance outcomes of the initiatives. The report shall also include lessons learned about the use of consumption-based solutions for software-intensive capabilities and any recommendations for statutory or regulatory changes to facilitate their use.

(i) CONSUMPTION-BASED SOLUTION DEFINED.—In this section, the term ''consumption-based solution'' means any combination of software, hardware or equipment, and labor or services that provides a seamless capability that is metered and billed based on actual usage and predetermined pricing per resource unit, and includes the ability to rapidly scale capacity up or down.

SA 2236. Ms. MCSALLY submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. _____. AMENDMENTS TO TITLE 46.

(a) IN GENERAL.—Chapter 303 of title 46, United States Code, is amended—

(1) by redesignating section 30308 as section 30309; and

(2) by inserting after section 30307 the following:

''§ 30308. Death of a member of the Armed Forces from a collision on the high seas.

''(a) DEFINITION.—In this section, the term 'nonpecuniary damages' means damages for loss of care, comfort, or companionship.

''(b) MILITARY SERVICE MEMBERS.—In an action under this chapter, if the death of a member of the Armed Forces resulted from a collision occurring on the high seas beyond 12 nautical miles from the shore of the United States while the decedent was serving physically on board a United States military vessel, the personal representative of the decedent may bring a civil action in admiralty or at law against the person or vessel responsible. The action shall be for the exclusive benefit of the decedent's spouse, parent, child, dependent relative, or estate. Compensation is recoverable for nonpecuniary and pecuniary damages.

''(c) JURY TRIAL.—A claim under this section may be tried with a jury.

''(d) GOVERNING LAW.—In an action under this section, the maritime law of the United States shall apply.

''(e) EFFECTIVE DATE.—This section shall apply to any death occurring after January 1, 2017.

''(f) GOVERNMENT IMMUNITY.—Nothing in this Act shall be construed to affect any existing laws or doctrines establishing governmental immunity from tort-based claims.''.

(b) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is amended—

(1) by redesignating the item relating to section 30308 as the item relating to section 30309; and

(2) by inserting after the item relating to section 30307 the following:

''30308. Death of a member of the Armed Forces from a collision on the high seas.''.

SA 2237. Ms. MCSALLY submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1085. AMENDMENTS TO DEFENSE PRODUCTION ACT OF 1950 TO ENSURE SUPPLY OF CERTAIN MEDICAL ARTICLES ESSENTIAL TO NATIONAL DEFENSE.

(a) STATEMENT OF POLICY.—Section 2(b) of the Defense Production Act of 1950 (50 U.S.C. 4502(b)) is amended—

(1) by redesignating paragraphs (3) through (8) as paragraphs (4) through (9), respectively; and

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

''(3) authorities under this Act should be used when appropriate to ensure the availability of medical articles essential to national defense, including through measures designed to secure the drug supply chain, and taking into consideration the importance of United States competitiveness, scientific leadership and cooperation, and innovative capacity;''.

(b) STRENGTHENING DOMESTIC CAPABILITY.—Section 107 of the Defense Production Act of 1950 (50 U.S.C. 4517) is amended—

(1) in subsection (a), by striking ''and industrial resources'' and inserting ''industrial resources, and medical articles''; and

(2) in subsection (b)(1), by striking ''and industrial resources'' and inserting ''industrial

resources, and medical articles (including drugs to diagnose, cure, mitigate, treat, or prevent disease) essential to national defense''.

(c) STRATEGY ON SECURING SUPPLY CHAINS FOR MEDICAL ARTICLES.—Title I of the Defense Production Act of 1950 (50 U.S.C. 4511 et seq.) is amended by adding at the end the following:

''SEC. 109. STRATEGY ON SECURING SUPPLY CHAINS FOR MEDICAL ARTICLES.

''(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this section, the President, in consultation with the Secretary of Health and Human Services, the Secretary of Commerce, the Secretary of Homeland Security, and the Secretary of Defense, shall transmit a strategy to the appropriate Members of Congress that includes the following:

''(1) A detailed plan to use the authorities under this title and title III, or any other provision of law, to ensure the supply of medical articles (including drugs to diagnose, cure, mitigate, treat, or prevent disease) essential to national defense, to the extent necessary for the purposes of this Act.

''(2) An analysis of vulnerabilities to existing supply chains for such medical articles, and recommendations to address the vulnerabilities.

''(3) Measures to be undertaken by the President to diversify such supply chains, as appropriate and as required for national defense.

''(4) A discussion of—

''(A) any significant effects resulting from the plan and measures described in this subsection on the production, cost, or distribution of vaccines or any other drugs (as defined under section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321));

''(B) a timeline to ensure that essential components of the supply chain for medical articles are not under the exclusive control of a foreign government in a manner that the President determines could threaten the national defense of the United States; and

''(C) efforts to mitigate any risks resulting from the plan and measures described in this subsection to United States competitiveness, scientific leadership, and innovative capacity, including efforts to cooperate and proactively engage with United States allies.

''(b) PROGRESS REPORT.—Following submission of the strategy under subsection (a), the President shall submit to the appropriate Members of Congress an annual progress report evaluating the implementation of the strategy, and may include updates to the strategy as appropriate. The strategy and progress reports shall be submitted in unclassified form but may contain a classified annex.

''(c) APPROPRIATE MEMBERS OF CONGRESS.—The term 'appropriate Members of Congress' means—

''(1) the Speaker, majority leader, and minority leader of the House of Representatives;

''(2) the majority leader and minority leader of the Senate;

''(3) the chairman and ranking member of the Committee on Financial Services of the House of Representatives; and

''(4) the chairman and ranking member of the Committee on Banking, Housing, and Urban Affairs of the Senate.''.

SA 2238. Mr. RISCH (for himself and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title XII, add the following:

SEC. 1287. IMPROVED COORDINATION OF UNITED STATES SANCTIONS POLICY.

(a) OFFICE OF SANCTIONS COORDINATION OF THE DEPARTMENT OF STATE.—

(1) IN GENERAL.—Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended—

(A) by redesignating subsection (g) as subsection (h); and

(B) by inserting after subsection (f) the following:

''(g) OFFICE OF SANCTIONS COORDINATION.—

''(1) IN GENERAL.—There is established, within the Department of State, an Office of Sanctions Coordination (in this subsection referred to as the 'Office').

''(2) HEAD.—The head of the Office shall—

''(A) have the rank and status of ambassador;

''(B) be appointed by the President, by and with the advice and consent of the Senate; and

''(C) report directly to the Secretary.

''(3) DUTIES.—The head of the Office shall—

''(A) exercise sanctions authorities delegated to the Secretary;

''(B) serve as the principal advisor to the senior management of the Department and the Secretary regarding the development and implementation of sanctions policy;

''(C) serve as the lead representative of the United States in diplomatic engagement on sanctions matters;

''(D) consult and closely coordinate with allies and partners of the United States, including the United Kingdom, the European Union and member countries of the European Union, Canada, Australia, New Zealand, Japan, and South Korea, to ensure the maximum effectiveness of sanctions imposed by the United States and such allies and partners;

''(E) serve as the coordinator for the development and implementation of sanctions policy with respect to all activities, policies, and programs of all bureaus and offices of the Department relating to the development and implementation of sanctions policy; and

''(F) serve as the lead representative of the Department in interagency discussions with respect to the development and implementation of sanctions policy.

''(4) DIRECT HIRE AUTHORITY.—The head of the Office may appoint, without regard to the provisions of sections 3309 through 3318 of title 5, United States Code, candidates directly to positions in the competitive service, as defined in section 2102 of that title, in the Office.''.

(2) BRIEFING REQUIRED.—Not later than 60 days after the date of the enactment of this Act, and every 90 days thereafter until the date that is 2 years after such date of enactment, the Secretary of State shall brief the appropriate congressional committees on the efforts of the Department of State to establish the Office of Sanctions Coordination pursuant to section 1(g) of the State Department Basic Authorities Act of 1956, as amended by paragraph (1), including a description of—

(A) measures taken to implement the requirements of that section and to establish the Office;

(B) actions taken by the Office to carry out the duties listed in paragraph (3) of that section;

(C) the resources devoted to the Office, including the number of employees working in the Office; and

(D) plans for the use of the direct hire authority provided under paragraph (4) of that section.

(b) COORDINATION WITH ALLIES AND PARTNERS OF THE UNITED STATES.—

(1) IN GENERAL.—The Secretary of State shall develop and implement mechanisms and programs, as appropriate, through the head of the Office of Sanctions Coordination established pursuant to section 1(g) of the State Department Basic Authorities Act of 1956, as amended by subsection (a)(1), to coordinate the development and implementation of United States sanctions policies with allies and partners of the United States, including the United Kingdom, the European Union and member countries of the European Union, Canada, Australia, New Zealand, Japan, and South Korea.

(2) INFORMATION SHARING.—The Secretary should pursue the development and implementation of mechanisms and programs under paragraph (1), as appropriate, that involve the sharing of information with respect to policy development and sanctions implementation.

(3) CAPACITY BUILDING.—The Secretary should pursue efforts, in coordination with the Secretary of the Treasury and the head of any other agency the Secretary considers appropriate, to assist allies and partners of the United States, including the countries specified in paragraph (1), as appropriate, in the development of their legal and technical capacities to develop and implement sanctions authorities.

(4) EXCHANGE PROGRAMS.—In furtherance of the efforts described in paragraph (3), the Secretary, in coordination with the Secretary of the Treasury and the head of any other agency the Secretary considers appropriate, may enter into agreements with counterpart agencies in foreign governments establishing exchange programs for the temporary detail of government employees to share information and expertise with respect to the development and implementation of sanctions authorities.

(5) BRIEFING REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter until the date that is 5 years after such date of enactment, the Secretary of State shall brief the appropriate congressional committees on the efforts of the Department of State to implement this section, including a description of—

(A) measures taken to implement paragraph (1);

(B) actions taken pursuant to paragraphs (2) through (4);

(C) the extent of coordination between the United States and allies and partners of the United States, including the countries specified in paragraph (1), with respect to the development and implementation of sanctions policy; and

(D) obstacles preventing closer coordination between the United States and such allies and partners with respect to the development and implementation of sanctions policy.

(c) SENSE OF CONGRESS.—It is the sense of the Congress that the President should appoint a coordinator for sanctions and national economic security issues within the framework of the National Security Council.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Finance of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Financial Services, and the

Committee on Way and Means of the House of Representatives.

SA 2239. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 1083, add the following:

(d) DISTRIBUTION OF ESTIMATE.—As soon as practicable after submitting an estimate as described in paragraph (1) of subsection (a) and making the certification described in paragraph (2) of such subsection, the Secretary shall make such estimate available to any licensee operating under the order and authorization described in such subsection.

(e) AUTHORITY OF SECRETARY OF DEFENSE TO SEEK RECOVERY OF COSTS.—The Secretary of Defense may work directly with any licensee (or any future assignee, successor, or purchaser) affected by the Order and Authorization adopted by the Federal Communications Commission on April 19, 2020 (FCC 20–48) to seek recovery of costs incurred by the Department of Defense as a result of the effect of such order and authorization.

(f) REIMBURSEMENT.—

(1) IN GENERAL.—The Secretary shall establish and facilitate a process for any licensee (or any future assignee, successor, or purchaser) subject to the authorization and order described in subsection (a) to provide reimbursement to the Department of Defense, only to the extent provided in appropriations Acts, for the covered costs and eligible reimbursable costs submitted and certified to the congressional defense committees under such subsection.

(2) USE OF FUNDS.—The Secretary shall use any funds received under this subsection, to the extent and in such amounts as are provided in advance in appropriations Acts, for covered costs described in subsection (b) and the range of eligible reimbursable costs identified under subsection (a)(1).

(3) REPORT.—Not later than 90 days after the date on which the Secretary establishes the process required by paragraph (1), the Secretary shall submit to the congressional defense committees a report on such process.

(g) GOOD FAITH.—The execution of the responsibilities of this section by the Department of Defense shall be considered to be good faith actions pursuant to paragraph 104 of the Order and Authorization (FCC 20–48) described in subsection (a).

SA 2240. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. APPLICATION OF DISTANCE REQUIREMENTS FOR CRITICAL ACCESS HOSPITALS.

Section 1820(h) of the Social Security Act (42 U.S.C. 1395i–4(h)) is amended by adding at the end the following new paragraph:

''(4) APPLICATION OF DISTANCE CRITERION.—In the case of a facility that was designated as a critical access hospital during 2016, and for which there was a change of ownership during 2018, if the designation relied on incorrect information received from a State about a road as being secondary in order to meet the distance criterion described in subsection (c)(2)(B)(i)(I), the facility shall be deemed to meet such distance criterion during the period beginning on the date of such 2016 designation and ending on September 30, 2026.''.

SA 2241. Mr. GARDNER submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XII, add the following:

SEC. 1262. 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 (22 U.S.C. 3301 note), 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; 132 Stat. 5387) 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 Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on the efforts to implement section 209(b) of the Asia Reassurance Initiative Act of 2018 (22 U.S.C. 3301 note).

SA 2242. Mr. GARDNER (for himself and Mr. PETERS) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the following:

Subtitle ____—Artificial Intelligence

SEC. ____1. STANDARD DEVELOPMENT FOR ARTIFICIAL INTELLIGENCE AT THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.

The National Institute of Standards and Technology Act (15 U.S.C. 271 et seq.) is amended by inserting after section 22 the following:

''SEC. 22A. STANDARDS FOR ARTIFICIAL INTELLIGENCE.

''(a) MISSION.—The Institute shall—

''(1) have the mission of advancing frameworks, standards, guidelines, and associated methods and techniques for artificial intelligence;

''(2) support the development of a risk-mitigation framework for deploying artificial intelligence;

''(3) support the development of technical standards and guidelines that promote reliable, robust, and trustworthy artificial intelligence; and

''(4) support the development of technical standards and guidelines by which to test for bias in artificial intelligence training data and applications.

''(b) PARTICIPATION IN STANDARD SETTING ORGANIZATIONS.—

''(1) REQUIREMENT.—The Institute shall participate in the development of standards and specifications for artificial intelligence.

''(2) PURPOSE.—The purpose of participation of the Institute under paragraph (1) shall be to ensure—

''(A) that standards promote artificial intelligence that is reliable, robust, and trustworthy;

''(B) that standards relating to artificial intelligence reflect the state of technology and are fit-for-purpose and developed in the transparent and consensus-based processes that are open to all stakeholders.''.

SEC. ____2. ESTABLISHMENT OF NATIONAL PROGRAM TO ADVANCE ARTIFICIAL INTELLIGENCE RESEARCH.

The National Institute of Standards and Technology Act (15 U.S.C. 271 et seq.), as amended by section ____1, is further amended by inserting after section 22A the following:

''SEC. 22B. NATIONAL PROGRAM TO ADVANCE ARTIFICIAL INTELLIGENCE RESEARCH.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Director shall establish a research program with a national scope to advance use-inspired artificial intelligence research and its use in a manner that serves the needs of the United States, the Institute, industry, the academic community, and such other entities as the Director considers appropriate.

''(2) DESIGNATION.—The research program established under paragraph (1) shall be known as the 'National Program to Advance Artificial Intelligence Research' (in this section referred to as the 'Program').

''(b) ACTIVITIES.—The activities of the Program shall include the following:

''(1) Supporting research necessary to operationalize the goals of reliable, robust, and trustworthy artificial intelligence.

''(2) Supporting research necessary to develop and operationalize technical standards and guidelines that promote reliable, robust, and trustworthy artificial intelligence.

''(3) Fostering development of artificial intelligence applications that would enhance the public good.

''(4) Supporting research necessary to advance human-centered artificial intelligence and examining societal, ethical, safety, security, and privacy effects of artificial intelligence development and deployment.

''(5) Creating and developing processes for the purpose of advancing use-inspired artificial intelligence research and its use.

''(6) Promoting exchange of personnel among industry, academic, and the government entities.

''(7) Establishing and operating at least one test bed to support the outside entities testing the degree to which artificial intelligence applications and training data are reliable, robust, and trustworthy.

''(c) GEOGRAPHIC DISTRIBUTION.—In establishing the Program, the Director may establish multiple physical campuses and a national network of participants to avoid undue geographic concentration of the activities of the Program.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $250,000,000 for each of fiscal years 2021 through 2025.''.

SEC. ___3. ESTABLISHMENT OF NATIONAL ARTIFICIAL INTELLIGENCE RESEARCH INSTITUTES.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Director of the National Science Foundation shall establish at least 6 research institutes to serve the needs of the United States, industry, the academic community, and such other entities as the Director considers appropriate by—

(A) conducting research on longer-time-horizon challenges in artificial intelligence research; and

(B) creating and developing processes for the purpose of advancing use-inspired artificial intelligence research and its deployment.

(2) DESIGNATION.—Each research institute established under paragraph (1) shall be known as a ''National Artificial Intelligence Research Institute''.

(b) GRANTS.—

(1) IN GENERAL.—The Director shall establish the research institutes under subsection (a) through the award of grants to eligible entities using a competitive, merit-reviewed process.

(2) ELIGIBLE ENTITIES.—For purposes of this section, an eligible entity is—

(A) an institution of higher education;

(B) a nonprofit research center;

(C) such other type of entity as the Director considers appropriate; or

(D) a collaboration of any combination of entities described in subparagraphs (A) through (C).

(3) DURATION.—

(A) IN GENERAL.—Each grant awarded under paragraph (1) shall be for a period of 5 years.

(B) REAPPLICATION.—The Director may approve or disapprove reapplications from grant recipients for additional grants.

(C) TERMINATION.—The Director may terminate a grant awarded under paragraph (1) for an underperforming research institute, for cause, during the performance period of the grant.

(c) APPLICATIONS.—An eligible entity seeking a grant under paragraph (1) to establish a research institute under this section shall submit to the Director an application therefor at such time, in such manner, and containing such information as the Director determines appropriate.

(d) COMMUNITY FACILITY.—The Director shall ensure that at least 1 research institute established under this section operates an artificial-intelligence community computing facility that is available for use by entities other than research institutes established under this section.

(e) FUNDING.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Director may, in each of fiscal years 2021 through 2025, obligate to carry out this section an amount that is less than or equal to $50,000,000 multiplied by the number of research institutes established under this section.

(2) DERIVATION OF FUNDS.—Amounts obligated to carry out this section shall be derived from amounts appropriated to the Foundation.

SEC. ___4. NATIONAL SCIENCE FOUNDATION TRAINEESHIP PROGRAM GRANTS.

(a) PROGRAM REQUIRED.—

(1) IN GENERAL.—The Director of the National Science Foundation shall carry out a program to award grants to eligible entities to establish traineeship programs and support trainees in topics selected by the Director under subsection (c).

(2) PURPOSE.—The purpose of the program established by the Director under paragraph (1) shall be to increase the number of individuals with advanced degrees through both direct support and programmatic support.

(b) ELIGIBLE ENTITIES.—For purposes of this section, an eligible entity is—

(1) an institution of higher education; or

(2) a consortia of institutions of higher education or nonprofit organizations.

(c) TOPICS OF NATIONAL IMPORTANCE.—

(1) IN GENERAL.—Subject to paragraph (2), the Director shall select a topic for the award of grants under subsection (a) based on—

(A) the potential of a traineeship program in the topic or support of trainees in the topic to affect society positively;

(B) the importance of the topic to the economy and security of the United States;

(C) the career opportunities for the graduates; and

(D) the need for workers in the topic with advanced degrees.

(2) INITIAL TOPIC SELECTION.—The Director shall select artificial intelligence as the initial topic for the award of grants under subsection (a).

(d) COMPONENTS.—A grant awarded under this section may include support for—

(1) the recipient of the grant to develop and distribute model curriculum that may be used by other graduate programs to educate students in the topic selected under subsection (c);

(2) mentors to provide guidance for students within the topic area; and

(3) tuition and stipend for students pursuing a masters or doctoral degree.

SEC. ___5. NATIONAL SCIENCE FOUNDATION PILOT PROGRAM ON GRANTS FOR RESEARCH IN RAPIDLY EVOLVING, HIGH PRIORITY TOPICS.

(a) PILOT PROGRAM REQUIRED.—The Director of the National Science Foundation shall establish a pilot program to assess the feasibility and advisability of awarding grants for the conduct of research in rapidly evolving, high priority topics.

(b) DURATION.—

(1) IN GENERAL.—The Director shall carry out the pilot program required by subsection (a) during the 5-year period beginning on the date of the enactment of this Act.

(2) ASSESSMENT AND CONTINUATION AUTHORITY.—After the period set forth in paragraph (1)—

(A) the Director shall assess the pilot program; and

(B) if the Director determines that it is both feasible and advisable to do so, the Director may continue the pilot program.

(c) GRANTS.—In carrying out the pilot program, the Director shall award grants for the conduct of research in topics selected by the Director in accordance with subsection (d).

(d) TOPIC SELECTION.—The Director shall select topics for research under the pilot program in accordance with the following:

(1) The Director shall select artificial intelligence as the initial topic for the pilot program.

(2) The Director may select additional topics that the Director determines are—

(A) rapidly evolving; or

(B) of high importance to the economy and security of the United States.

(e) APPLICATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), a person seeking a grant under the pilot program shall submit to the Director an application therefor at such time, in such manner, and containing such information as the Director may specify.

(2) CONTENTS.—Each application submitted under paragraph (1) shall include the following:

(A) A brief description of the research the applicant proposes to carry out with a grant awarded under the pilot program.

(B) A brief description of how the research is of an urgent nature.

(C) The general goals of the research.

(D) Such other information as the Director may specify.

(f) USE OF FUNDS.—A recipient of a grant under the pilot program shall use the amount of the grant to conduct the research for which the grant was awarded.

(g) SUMMARIES OF RESEARCH FINDINGS.—A recipient of a grant under the pilot program shall submit to the Director, at such intervals as the Director determines appropriate, a summary of the findings of the recipient with respect to the research conducted with the grant amount.

SEC. ___6. FEDERAL ARTIFICIAL INTELLIGENCE SCHOLARSHIP-FOR-SERVICE PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ARTIFICIAL INTELLIGENCE.—The term ''artificial intelligence'' or ''AI'' has the meaning given the term ''artificial intelligence'' in section 238(g) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 2358 note).

(2) EXECUTIVE AGENCY.—The term ''executive agency'' has the meaning given the term ''Executive agency'' in section 105 of title 5, United States Code.

(3) REGISTERED INTERNSHIP.—The term ''registered internship'' means a Federal Registered Internship Program coordinated through the Department of Labor.

(b) IN GENERAL.—The Director of the National Science Foundation, in coordination with the Director of the Office of Personnel Management, the Director of the National Institute of Standards and Technology, and the heads of other agencies with appropriate scientific knowledge, shall establish a Federal artificial intelligence scholarship-for-service program (referred to in this section as the ''Federal AI Scholarship-for-Service Program'') to recruit and train artificial intelligence professionals to lead and support the application of artificial intelligence to the missions of Federal, State, local, and Tribal governments.

(c) QUALIFIED INSTITUTION OF HIGHER EDUCATION.—The Director of the National Science Foundation, in coordination with the heads of other agencies with appropriate scientific knowledge, shall establish criteria to designate qualified institutions of higher

education that shall be eligible to participate in the Federal AI Scholarship-for-Service program. Such criteria shall include—

(1) measures of the institution's demonstrated excellence in the education of students in the field of artificial intelligence; and

(2) measures of the institution's ability to attract and retain a diverse and non-traditional student population in the fields of science, technology, engineering, and mathematics, which may include the ability to attract women, minorities, and individuals with disabilities.

(d) PROGRAM DESCRIPTION AND COMPONENTS.—The Federal AI Scholarship-for-Service Program shall—

(1) provide scholarships through qualified institutions of higher education to students who are enrolled in programs of study at institutions of higher education leading to degrees or concentrations in or related to the artificial intelligence field;

(2) provide the scholarship recipients with summer internship opportunities, registered internships, or other meaningful temporary appointments in the Federal information technology workforce focusing on artificial intelligence (referred to in this section as ''AI'') projects or research;

(3) prioritize the employment placement of scholarship recipients in executive agencies;

(4) identify opportunities to promote multi-disciplinary programs of study that integrate basic or advanced AI training with other fields of study, including those that address the social, economic, legal, and ethical implications of human interaction with AI systems; and

(5) support capacity-building education research programs that will enable postsecondary educational institutions to expand their ability to train the next-generation AI workforce, including AI researchers and practitioners.

(e) SCHOLARSHIP AMOUNTS.—Each scholarship under subsection (d) shall be in an amount that covers the student's tuition and fees at the institution for not more than 3 years and provides the student with an additional stipend.

(f) POST-AWARD EMPLOYMENT OBLIGATIONS.—Each scholarship recipient, as a condition of receiving a scholarship under the program, shall enter into an agreement under which the recipient agrees to work for a period equal to the length of the scholarship, following receipt of the student's degree, in the AI mission of—

(1) an executive agency;

(2) Congress, including any agency, entity, office, or commission established in the legislative branch;

(3) an interstate agency;

(4) a State, local, or Tribal government, which may include instruction in AI-related skill sets in a public school system; or

(5) a State, local, or Tribal government-affiliated nonprofit that is considered to be critical infrastructure (as defined in section 1016(e) of the USA Patriot Act (42 U.S.C. 5195c(e))).

(g) HIRING AUTHORITY.—

(1) APPOINTMENT IN EXCEPTED SERVICE.—Notwithstanding any provision of chapter 33 of title 5 governing appointments in the competitive service, an executive agency shall appoint in the excepted service an individual who has completed the eligible degree program for which a scholarship was awarded.

(2) NONCOMPETITIVE CONVERSION.—Except as provided in paragraph (4), upon fulfillment of the service term, an employee appointed under paragraph (1) may be converted noncompetitively to term, career-conditional or career appointment.

(3) TIMING OF CONVERSION.—An executive agency may noncompetitively convert a term employee appointed under paragraph (2) to a career-conditional or career appointment before the term appointment expires.

(4) AUTHORITY TO DECLINE CONVERSION.—An executive agency may decline to make the noncompetitive conversion or appointment under paragraph (2) for cause.

(h) ELIGIBILITY.—To be eligible to receive a scholarship under this section, an individual shall—

(1) be a citizen or lawful permanent resident of the United States;

(2) demonstrate a commitment to a career in advancing the field of AI;

(3) be—

(A) a full-time student in an eligible degree program at a qualified institution of higher education, as determined by the Director of the National Science Foundation;

(B) a student pursuing a degree on a less than full-time basis, but not less than half-time basis; or

(C) an AI faculty member on sabbatical to advance knowledge in the field; and

(4) accept the terms of a scholarship under this section.

(i) CONDITIONS OF SUPPORT.—

(1) IN GENERAL.—As a condition of receiving a scholarship under this section, a recipient shall agree to provide the qualified institution of higher education with annual verifiable documentation of post-award employment and up-to-date contact information.

(2) TERMS.—A scholarship recipient under this section shall be liable to the United States as provided in subsection (k) if the individual—

(A) fails to maintain an acceptable level of academic standing at the applicable institution of higher education, as determined by the Director of the National Science Foundation;

(B) is dismissed from the applicable institution of higher education for disciplinary reasons;

(C) withdraws from the eligible degree program before completing the program;

(D) declares that the individual does not intend to fulfill the post-award employment obligation under this section; or

(E) fails to fulfill the post-award employment obligation of the individual under this section.

(j) MONITORING COMPLIANCE.—As a condition of participating in the program, a qualified institution of higher education shall—

(1) enter into an agreement with the Director of the National Science Foundation, to monitor the compliance of scholarship recipients with respect to their post-award employment obligations; and

(2) provide to the Director of the National Science Foundation, on an annual basis, the post-award employment documentation required under subsection (i)(1) for scholarship recipients through the completion of their post-award employment obligations.

(k) AMOUNT OF REPAYMENT.—

(1) LESS THAN 1 YEAR OF SERVICE.—If a circumstance described in subsection (i)(2) occurs before the completion of 1 year of a post-award employment obligation under this section, the total amount of scholarship awards received by the individual under this section shall—

(A) be repaid; or

(B) be treated as a loan to be repaid in accordance with subsection (l).

(2) 1 OR MORE YEARS OF SERVICE.—If a circumstance described in subparagraph (D) or (E) of subsection (i)(2) occurs after the completion of 1 or more years of a post-award employment obligation under this section, the total amount of scholarship awards received by the individual under this section, reduced by the ratio of the number of years of service completed divided by the number of years of service required, shall—

(A) be repaid; or

(B) be treated as a loan to be repaid in accordance with subsection (l).

(l) REPAYMENTS.—A loan described in subsection (k) shall—

(1) be treated as a Federal Direct Unsubsidized Stafford Loan under part D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq.); and

(2) be subject to repayment, together with interest thereon accruing from the date of the scholarship award, in accordance with terms and conditions specified by the Director of the National Science Foundation (in consultation with the Secretary of Education) in regulations promulgated to carry out this subsection.

(m) COLLECTION OF REPAYMENT.—

(1) IN GENERAL.—In the event that a scholarship recipient is required to repay the scholarship award under this section, the qualified institution of higher education providing the scholarship shall—

(A) determine the repayment amounts and notify the recipient and the Director of the National Science Foundation of the amounts owed; and

(B) collect the repayment amounts within a period of time as determined by the Director of the National Science Foundation, or the repayment amounts shall be treated as a loan in accordance with subsection (l).

(2) RETURNED TO TREASURY.—Except as provided in paragraph (3), any repayment under this subsection shall be returned to the Treasury of the United States.

(3) RETAIN PERCENTAGE.—A qualified institution of higher education may retain a percentage of any repayment the institution collects under this subsection to defray administrative costs associated with the collection. The Director of the National Science Foundation shall establish a single, fixed percentage that will apply to all eligible entities.

(n) EXCEPTIONS.—The Director of the National Science Foundation may provide for the partial or total waiver or suspension of any service or payment obligation by an individual under this section whenever compliance by the individual with the obligation is impossible or would involve extreme hardship to the individual, or if enforcement of such obligation with respect to the individual would be unconscionable.

(o) PUBLIC INFORMATION.—

(1) EVALUATION.—The Director of the National Science Foundation, in coordination with the Director of the Office of Personnel Management, shall annually evaluate and make public, in a manner that protects the personally identifiable information of scholarship recipients, information on the success of recruiting individuals for scholarships under this section and on hiring and retaining those individuals in the public sector AI workforce, including information on—

(A) placement rates;

(B) where students are placed, including job titles and descriptions;

(C) salary ranges for students not released from obligations under this section;

(D) how long after graduation students are placed;

(E) how long students stay in the positions they enter upon graduation;

(F) how many students are released from obligations; and

(G) what, if any, remedial training is required.

(2) REPORTS.—The Director of the National Science Foundation, in coordination with the Office of Personnel Management, shall submit, not less frequently than once every

3 years, to the Homeland Security and Governmental Affairs Committee of the Senate, the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Science, Space, and Technology of the House of Representatives, and the Committee on Oversight and Reform of the House of Representatives a report, including the results of the evaluation under paragraph (1) and any recent statistics regarding the size, composition, and educational requirements of the Federal AI workforce.

(3) RESOURCES.—The Director of the National Science Foundation, in coordination with the Director of the Office of Personnel Management, shall provide consolidated and user-friendly online resources for prospective scholarship recipients, including, to the extent practicable—

(A) searchable, up-to-date, and accurate information about participating institutions of higher education and job opportunities related to the AI field; and

(B) a modernized description of AI careers.

(p) REFRESH.—Not less than once every 2 years, the Director of the National Science Foundation, in coordination with the Director of the Office of Personnel Management, shall review and update the Federal AI Scholarship-for-Service Program to reflect advances in technology.

(q) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.

SA 2243. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In section 805(a)(3), insert ", including manufacturing surge capacity," after "evaluation of the competitive strengths and weaknesses of United States industry".

SA 2244. Mr. CORNYN (for himself, Mr. COTTON, Mr. SCHUMER, Mr. WARNER, Ms. COLLINS, Mr. TILLIS, Mrs. BLACKBURN, Mr. HAWLEY, Mr. DAINES, Mr. KING, Mrs. GILLIBRAND, Mr. RUBIO, and Ms. SINEMA) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle H—Semiconductor Manufacturing Incentives

SEC. 1091. SEMICONDUCTOR INCENTIVE GRANTS.

(a) DEFINITIONS.—In this section—

(1) the term "appropriate committees of Congress" means—

(A) the Select Committee on Intelligence, the Committee on Commerce, Science, and Transportation, the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Appropriations, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Permanent Select Committee on Intelligence, the Committee on Energy and Commerce, the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Science, Space, and Technology, the Committee on Appropriations, the Committee on Financial Services, and the Committee on Homeland Security of the House of Representatives;

(2) the term "covered entity" means a private entity, a consortium of private entities, or a consortium of public and private entities with a demonstrated ability to construct, expand, or modernize a facility relating to the fabrication, assembly, testing, advanced packaging, or advanced research and development of semiconductors;

(3) the term "covered incentive"—

(A) means an incentive offered by a governmental entity to a covered entity for the purposes of constructing within the jurisdiction of the governmental entity, or expanding or modernizing an existing facility within that jurisdiction, a facility described in paragraph (2); and

(B) includes any tax incentive (such as an incentive or reduction with respect to employment or payroll taxes or a tax abatement with respect to personal or real property), a workforce-related incentive (including a grant agreement relating to workforce training or vocational education), any concession with respect to real property, funding for research and development with respect to semiconductors, and any other incentive determined appropriate by the Secretary, in consultation with the Secretary of State;

(4) the term "foreign adversary" means any foreign government or foreign nongovernment person that is engaged in a long-term pattern, or is involved in a serious instance, of conduct that is significantly adverse to—

(A) the national security of the United States or an ally of the United States; or

(B) the security and safety of United States persons;

(5) the term "governmental entity" means a State or local government;

(6) the term "Secretary" means the Secretary of Commerce; and

(7) the term "semiconductor" has the meaning given the term by the Secretary.

(b) GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish in the Department of Commerce a program that, in accordance with the requirements of this section, provides grants to covered entities.

(2) PROCEDURE.—

(A) IN GENERAL.—A covered entity shall submit to the Secretary an application that describes the project for which the covered entity is seeking a grant under this section.

(B) ELIGIBILITY.—In order for a covered entity to qualify for a grant under this section, the covered entity shall demonstrate to the Secretary, in the application submitted by the covered entity under subparagraph (A), that—

(i) the covered entity has a documented interest in constructing, expanding, or modernizing a facility described in subsection (a)(2); and

(ii) with respect to the project described in clause (i), the covered entity has—

(I) been offered a covered incentive;

(II) made commitments to worker and community investment, including through—

(aa) training and education benefits paid by the covered entity; and

(bb) programs to expand employment opportunity for economically disadvantaged individuals; and

(III) secured commitments from regional educational and training entities and institutions of higher education to provide workforce training, including programming for training and job placement of economically disadvantaged individuals.

(C) CONSIDERATIONS FOR REVIEW.—With respect to the review by the Secretary of an application submitted by a covered entity under subparagraph (A)—

(i) the Secretary may not approve the application unless the Secretary—

(I) confirms that the covered entity has satisfied the eligibility criteria under subparagraph (B); and

(II) determines that the project to which the application relates is in the interest of the United States; and

(ii) the Secretary may consider whether—

(I) the covered entity has previously received a grant made under this subsection; and

(II) the governmental entity offering the applicable covered incentive has benefitted from a grant previously made under this subsection.

(3) AMOUNT.—The amount of a grant made by the Secretary to a covered entity under this subsection shall be in an amount that is not more than $3,000,000,000.

(4) USE OF FUNDS.—A covered entity that receives a grant under this subsection may only use the grant amounts to—

(A) finance the construction, expansion, or modernization of a facility described in subsection (a)(2), as documented in the application submitted by the covered entity under paragraph (2)(A), or for similar uses in state of practice and legacy facilities, as determined necessary by the Secretary for purposes relating to the national security and economic competitiveness of the United States;

(B) support workforce development for the facility described in subparagraph (A); or

(C) support site development for the facility described in subparagraph (A).

(5) CLAWBACK.—The Secretary shall recover the full amount of a grant provided to a covered entity under this subsection if—

(A) as of the date that is 5 years after the date on which the Secretary makes the grant, the project to which the grant relates has not been completed, except that the Secretary may issue a waiver with respect to the requirement under this subparagraph if the Secretary determines that issuing such a waiver is appropriate and in the interests of the United States; or

(B) during the applicable term with respect to the grant, the covered entity engages in any joint research or technology licensing effort—

(i) with the Government of the People's Republic of China, the Government of the Russian Federation, the Government of Iran, the Government of North Korea, or another foreign adversary; and

(ii) that relates to a sensitive technology or product, as determined by the Secretary.

(c) CONSULTATION AND COORDINATION REQUIRED.—In carrying out the program established under subsection (b), the Secretary shall consult and coordinate with the Secretary of State and the Secretary of Defense.

(d) GAO REVIEWS.—The Comptroller General of the United States shall—

(1) not later than 2 years after the date of enactment of this Act, and biennially thereafter until the date that is 10 years after that date of enactment, conduct a review of the program established under subsection (b), which shall include, at a minimum—

(A) a determination of the number of instances in which grants were provided under that subsection during the period covered by the review in violation of a requirement of this section;

(B) an evaluation of how—

(i) the program is being carried out, including how recipients of grants are being selected under the program; and

(ii) other Federal programs are leveraged for manufacturing, research, and training to complement the grants awarded under the program; and

(C) a description of the outcomes of projects supported by grants made under the program, including a description of—

(i) facilities described in subsection (a)(2) that were constructed, expanded, or modernized as a result of grants made under the program;

(ii) research and development carried out with grants made under the program; and

(iii) workforce training programs carried out with grants made under the program, including efforts to hire individuals from disadvantaged populations; and

(2) submit to the appropriate committees of Congress the results of each review conducted under paragraph (1).

SEC. 1092. DEPARTMENT OF DEFENSE.

(a) DEPARTMENT OF DEFENSE EFFORTS.—

(1) IN GENERAL.—The Secretary of Defense shall, in consultation with the Secretary of Commerce, the Secretary of Homeland Security, and the Director of National Intelligence, work with the private sector through a public-private partnership, including by incentivizing the formation of a consortium of United States companies, to ensure the development and production of advanced, measurably secure microelectronics for use by the Department of Defense, the intelligence community, critical infrastructure sectors, and other national security applications. Such work may include providing incentives for the creation, expansion, or modernization of one or more commercially competitive and sustainable microelectronics manufacturing or advanced research and development facilities.

(2) RISK MITIGATION REQUIREMENTS.—A participant in a consortium formed with incentives under paragraph (1) shall—

(A) have the potential to perform fabrication, assembly, package, or test functions for microelectronics deemed critical to national security as defined by export control regulatory agencies in consultation with the National Security Adviser and the Secretary of Defense;

(B) include management processes to identify and mitigate supply chain security risks; and

(C) be able to produce microelectronics consistent with applicable measurably secure supply chain and operational security standards established under section 224(b) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92).

(3) NATIONAL SECURITY CONSIDERATIONS.—The Secretary of Defense and the Director of National Intelligence shall select participants for the consortium formed with incentives under paragraph (1). In selecting such participants, the Secretary and the Director may jointly consider whether the United States companies—

(A) have participated in previous programs and projects of the Department of Defense, Department of Energy, or the intelligence community, including—

(i) the Trusted Integrated Circuit program of the Intelligence Advanced Research Projects Activity;

(ii) trusted and assured microelectronics projects, as administered by the Department of Defense;

(iii) the Electronics Resurgence Initiative (ERI) program of the Defense Advanced Research Projects Agency; or

(iv) relevant semiconductor research programs of Advanced Research Projects Agency–Energy;

(B) have demonstrated an ongoing commitment to performing contracts for the Department of Defense and the intelligence community;

(C) are approved by the Defense Counterintelligence and Security Agency or the Office of the Director of National Intelligence as presenting an acceptable security risk, taking into account supply chain assurance vulnerabilities, counterintelligence risks, and any risks presented by companies whose owners are located outside the United States; and

(D) are evaluated periodically for foreign ownership, control, or influence by foreign adversaries.

(4) NONTRADITIONAL DEFENSE CONTRACTORS AND COMMERCIAL ENTITIES.—Arrangements entered into to carry out paragraph (1) shall be in such form as the Secretary of Defense determines appropriate to encourage industry participation of nontraditional defense contractors or commercial entities and may include a contract, a grant, a cooperative agreement, a commercial agreement, the use of other transaction authority under section 2371 of title 10, United States Code, or another such arrangement.

(5) DISCHARGE.—The Secretary of Defense shall carry out paragraph (1) jointly through the Office of the Under Secretary of Defense for Research and Engineering and the Office of the Under Secretary of Defense for Acquisition and Sustainment, or such other component of the Department of Defense as the Secretary considers appropriate.

(6) OTHER INITIATIVES.—The Secretary of Defense shall dedicate initiatives within the Department of Defense to advance radio frequency, mixed signal, radiation tolerant, and radiation hardened microelectronics that support national security and dual-use applications.

(7) REPORTS.—

(A) REPORT BY SECRETARY OF DEFENSE.—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 plans of the Secretary to carry out paragraph (1).

(B) BIENNIAL REPORTS BY COMPTROLLER GENERAL OF THE UNITED STATES.—Not later than 1 year after the date on which the Secretary submits the report required by subparagraph (A) and not less frequently than once every 2 years thereafter for a period of 10 years, the Comptroller General of the United States shall submit to Congress a report on the activities carried out under this subsection.

(b) DEFENSE PRODUCTION ACT OF 1950 EFFORTS.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the President shall submit to Congress a report on a plan for use by the Department of Defense of authorities available in title III of the Defense Production Act of 1950 (50 U.S.C. 4531 et seq.) to establish and enhance a domestic production capability for microelectronics technologies and related technologies, subject to the availability of appropriations for that purpose.

(2) CONSULTATION.—The President shall develop the plan required by paragraph (1) in coordination with the Secretary of Defense, and in consultation with the Secretary of State, the Secretary of Commerce, and appropriate stakeholders in the private sector.

SEC. 1093. DEPARTMENT OF COMMERCE STUDY ON STATUS OF MICROELECTRONICS TECHNOLOGIES IN THE UNITED STATES INDUSTRIAL BASE.

(a) IN GENERAL.—Commencing not later than 120 days after the date of the enactment of this Act, the Secretary of Commerce and the Secretary of Homeland Security, in consultation with the Secretary of Defense and the heads of other appropriate Federal departments and agencies, shall undertake a review, which shall include a survey, using authorities in section 705 of the Defense Production Act (50 U.S.C. 4555), to assess the capabilities of the United States industrial base to support the national defense in light of the global nature of the supply chain and significant interdependencies between the United States industrial base and the industrial base of foreign countries with respect to the manufacture, design, and end use of microelectronics.

(b) RESPONSE TO SURVEY.—The Secretary shall ensure compliance with the survey from among all relevant potential respondents, including the following:

(1) Corporations, partnerships, associations, or any other organized groups domiciled and with substantial operations in the United States.

(2) Corporations, partnerships, associations, or any other organized groups domiciled in the United States with operations outside the United States.

(3) Foreign domiciled corporations, partnerships, associations, or any other organized groups with substantial operations or business presence in, or substantial revenues derived from, the United States.

(4) Foreign domiciled corporations, partnerships, associations, or any other organized groups in defense treaty or assistance countries where the production of the entity concerned involves critical technologies covered by section 2.

(c) INFORMATION REQUESTED.—The information sought from a responding entity pursuant to the survey required by subsection (a) shall include, at minimum, information on the following with respect to the manufacture. design, or end use of microelectronics by such entity:

(1) An identification of the geographic scope of operations.

(2) Information on relevant cost structures.

(3) An identification of types of microelectronics development, manufacture, assembly, test, and packaging equipment in operation at such entity.

(4) An identification of all relevant intellectual property, raw materials, and semi-finished goods and components sourced domestically and abroad by such entity.

(5) Specifications of the microelectronics manufactured or designed by such entity, descriptions of the end-uses of such microelectronics, and a description of any technical support provided to end-users of such microelectronics by such entity.

(6) Information on domestic and export market sales by such entity.

(7) Information on the financial performance, including income and expenditures, of such entity.

(8) A list of all foreign and domestic subsidies, and any other financial incentives, received by such entity in each market in which such entity operates.

(9) A list of information requests from the People's Republic of China to such entity, and a description of the nature of each request and the type of information provided.

(10) Information on any joint ventures, technology licensing agreements, and cooperative research or production arrangements of such entity.

(11) A description of efforts by such entity to evaluate and control supply chain risks it faces.

(12) A list and description of any sales, licensing agreements, or partnerships between such entity and the People's Liberation Army or People's Armed Police, including any business relationships with entities through which such sales, licensing agreements, or partnerships may occur.

(d) REPORT.—

(1) IN GENERAL.—The Secretary of Commerce shall, in consultation with the Secretary of Defense, the Secretary of Homeland Security, and the heads of other appropriate Federal departments and agencies, submit to Congress a report on the results of the review required by subsection (a). The report shall include the following:

(A) An assessment of the results of the survey.

(B) A list of critical technology areas impacted by potential disruptions in production of microelectronics, and a detailed description and assessment of the impact of such potential disruptions on such areas.

(C) A description and assessment of gaps and vulnerabilities in the microelectronics supply chain and the national industrial supply base.

(2) FORM.— The report required by paragraph (1) may be submitted in classified form.

SEC. 1094. FUNDING FOR DEVELOPMENT AND ADOPTION OF MEASURABLY SECURE MICROELECTRONICS AND MEASURABLY SECURE MICROELECTRONICS SUPPLY CHAINS.

(a) MULTILATERAL MICROELECTRONICS SECURITY FUND.—

(1) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a trust fund, to be known as the ''Multilateral Microelectronics Security Fund'' (in this section referred to as the ''Fund''), consisting of such amounts as may be appropriated to such Fund and any amounts that may be credited to the Fund under paragraph (2).

(2) INVESTMENT OF AMOUNTS.—

(A) INVESTMENT OF AMOUNTS.—The Secretary of the Treasury shall invest such portion of the Fund as is not required to meet current withdrawals in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

(B) INTEREST AND PROCEEDS.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(3) USE OF FUND.—

(A) IN GENERAL.—Subject to subparagraph (B), amounts in the Fund shall be available, as provided in advance in an appropriations Act, to the Secretary of State—

(i) to provide funding through the common funding mechanism described in subsection (b)(1) to support the development and adoption of measurably secure microelectronics and measurably secure microelectronics supply chains; and

(ii) to otherwise carry out this section.

(B) AVAILABILITY CONTINGENT ON INTERNATIONAL AGREEMENT.—Amounts in the Fund shall be available to the Secretary of State on and after the date on which the Secretary enters into an agreement with the governments of countries that are partners of the United States to participate in the common funding mechanism under paragraph (1) of subsection (b) and the commitments described in paragraph (2) of that subsection.

(4) AVAILABILITY OF AMOUNTS.—

(A) IN GENERAL.—Amounts in the Fund shall remain available through the end of the tenth fiscal year beginning after the date of the enactment of this Act.

(B) REMAINDER TO TREASURY.—Any amounts remaining in the Fund after the end of the fiscal year described in subparagraph (A) shall be deposited in the general fund of the Treasury.

(b) COMMON FUNDING MECHANISM FOR DEVELOPMENT AND ADOPTION OF MEASURABLY SECURE MICROELECTRONICS AND MEASURABLY SECURE MICROELECTRONICS SUPPLY CHAINS.—

(1) IN GENERAL.—The Secretary of State, in consultation with the Secretary of Commerce, the Secretary of Defense, the Secretary of Homeland Security, the Secretary of the Treasury, and the Director of National Intelligence, shall seek to establish a common funding mechanism, in coordination with the governments of countries that are partners of the United States, that uses amounts from the Fund, and amounts committed by such governments, to support the development and adoption of secure microelectronics and secure microelectronics supply chains, including for use in research and development collaborations among countries participating in the common funding mechanism.

(2) MUTUAL COMMITMENTS.—The Secretary of State, in consultation with the United States Trade Representative, the Secretary of the Treasury, and the Secretary of Commerce, shall seek to negotiate a set of mutual commitments with the governments of countries that are partners of the United States upon which to condition any expenditure of funds pursuant to the common funding mechanism described in paragraph (1). Such commitments shall, at a minimum—

(A) establish transparency requirements for any subsidies or other financial benefits (including revenue foregone) provided to microelectronics firms located in or outside such countries;

(B) establish consistent policies with respect to countries that—

(i) are not participating in the common funding mechanism; and

(ii) do not meet transparency requirements established under subparagraph (A);

(C) promote harmonized treatment of microelectronics and verification processes for items being exported to a country considered a national security risk by a country participating in the common funding mechanism;

(D) establish consistent policies and common external policies to address nonmarket economies as the behavior of such countries pertains to microelectronics;

(E) align policies on supply chain integrity and microelectronics security, including with respect to protection and enforcement of intellectual property rights; and

(F) promote harmonized foreign direct investment screening measures with respect to microelectronics to align with national and multilateral security priorities.

(c) ANNUAL REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act, and annually thereafter for each fiscal year during which amounts in the Fund are available under subsection (a)(4), the Secretary of State shall submit to Congress a report on the status of the implementation of this section that includes a description of—

(1) any commitments made by the governments of countries that are partners of the United States to providing funding for the common funding mechanism described in subsection (b)(1) and the specific amount so committed;

(2) the criteria established for expenditure of funds through the common funding mechanism;

(3) how, and to whom, amounts have been expended from the Fund;

(4) amounts remaining in the Fund;

(5) the progress of the Secretary of State toward entering into an agreement with the governments of countries that are partners of the United States to participate in the common funding mechanism and the commitments described in subsection (b)(2); and

(6) any additional authorities needed to enhance the effectiveness of the Fund in achieving the security goals of the United States.

SEC. 1095. ADVANCED SEMICONDUCTOR RESEARCH AND DESIGN.

(a) APPROPRIATE COMMITTEES OF CONGRESS.— In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Intelligence, the Committee on Commerce, Science, and Transportation, the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Energy and Natural Resources, the Committee on Appropriations, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(2) the Permanent Select Committee on Intelligence, the Committee on Energy and Commerce, the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Science, Space, and Technology, the Committee on Financial Services, and the Committee on Homeland Security of the House of Representatives.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the leadership of the United States in semiconductor technology and innovation is critical to the economic growth and national security of the United States.

(c) SUBCOMMITTEE ON SEMICONDUCTOR LEADERSHIP.—

(1) ESTABLISHMENT REQUIRED.—The President shall establish in the National Science and Technology Council a subcommittee on matters relating to leadership of the United States in semiconductor technology and innovation.

(2) DUTIES.—The duties of the subcommittee established under paragraph (1) are as follows:

(A) NATIONAL STRATEGY ON SEMICONDUCTOR RESEARCH.—

(i) DEVELOPMENT.—In coordination with the Secretary of Defense, the Secretary of Energy, the Secretary of State, the Secretary of Commerce, the Secretary of Homeland Security, the Director of the National Science Foundation, and the Director of the National Institute of Standards and Technology and in consultation with the semiconductor industry and academia, develop a national strategy on semiconductor research, development, manufacturing, and supply chain security, including guidance for the funding of research, and strengthening of the domestic microelectronics workforce.

(ii) REPORTING AND UPDATES.—Not less frequently than once every 5 years, to update the strategy developed under clause (i) and to submit the revised strategy to the appropriate committees of Congress.

(iii) IMPLEMENTATION.—In coordination with the Secretary of Defense, the Secretary of Energy, the Secretary of State, the Secretary of Commerce, the Secretary of Homeland Security, the Director of the National Science Foundation, and the Director of the National Institute of Standards and Technology, on an annual basis coordinate and recommend each agency's semiconductor related research and development programs and budgets to ensure consistency with the National Semiconductor Strategy.

(B) FOSTERING COORDINATION OF RESEARCH AND DEVELOPMENT.—To foster the coordination of semiconductor research and development.

(3) SUNSET.—The subcommittee established under paragraph (1) shall terminate on the date that is 10 years after the date of enactment of this Act.

(d) INDUSTRIAL ADVISORY COMMITTEE.—The President shall establish a standing subcommittee of the President's Council of Advisors on Science and Technology to advise the United States Government on matters relating to microelectronics policy.

(e) NATIONAL SEMICONDUCTOR TECHNOLOGY CENTER.—

(1) ESTABLISHMENT.—The Secretary of Commerce shall establish a national semiconductor technology center to conduct research and prototyping of advanced semiconductor technology to strengthen the economic competitiveness and security of the domestic supply chain, which will be operated as a public private-sector consortium with participation from the private sector, the Department of Defense, the Department of Energy, the Department of Homeland Security, the National Science Foundation, and the National Institute of Standards and Technology

(2) FUNCTIONS.—The functions of the center established under paragraph (1) shall be as follows:

(A) To conduct advanced semiconductor manufacturing, design research and prototyping that strengthens the entire domestic ecosystem and is aligned with the National Strategy on Semiconductor Research.

(B) To establish a National Advanced Packaging Manufacturing Program led by the National Institute of Standards and Technology, in coordination with the Center, to strengthen semiconductor advanced test, assembly, and packaging capability in the domestic ecosystem, and which shall coordinate with the Manufacturing USA institute established under paragraph (4).

(C) To establish an investment fund, in partnership with the private sector, to support startups in the domestic semiconductor ecosystem.

(D) To establish a Semiconductor Manufacturing Program through the Director of the National Institute of Standards and Technology to enable advances and breakthroughs in measurement science, standards, material characterization, instrumentation, testing, and manufacturing capabilities that will accelerate the underlying research and development for metrology of next generation semiconductors and ensure the competitiveness and leadership of the United States within this sector.

(E) To work with the Secretary of Labor, the private sector, educational institutions, and workforce training entities to develop workforce training programs and apprenticeships in advanced microelectronic packaging capabilities.

(3) COMPONENTS.—The fund established under paragraph (2)(C) shall cover the following:

(A) Advanced metrology and characterization for manufacturing of microchips using 3 nanometer transistor processes or more advanced processes.

(B) Metrology for security and supply chain verification.

(4) CREATION OF A MANUFACTURING USA INSTITUTE.—The fund established under paragraph (2)(C) may also cover the creation of a Manufacturing USA institute described in section 34(d) of the National Institute of Standards and Technology Act (15 U.S.C. 278s(d)) that is focused on semiconductor manufacturing. Such institute may emphasize the following:

(A) Research to support the virtualization and automation of maintenance of semiconductor machinery.

(B) Development of new advanced test, assembly and packaging capabilities.

(C) Developing and deploying educational and skills training curricula needed to support the industry sector and ensure the U.S. can build and maintain a trusted and predictable talent pipeline.

(f) DOMESTIC PRODUCTION REQUIREMENTS.—The head of any executive agency receiving funding under this section shall develop policies to require domestic production, to the extent possible, for any intellectual property resulting from microelectronics research and development conducted as a result of these funds and domestic control requirements to protect any such intellectual property from foreign adversaries.

SEC. 1096. PROHIBITION RELATING TO FOREIGN ADVERSARIES.

None of the funds appropriated pursuant to an authorization in this subtitle may be provided to an entity—

(1) under the foreign ownership, control, or influence of the Government of the People's Republic of China or the Chinese Communist Party, or other foreign adversary (as defined in section 1091(a)(4)); or

(2) determined to have beneficial ownership from foreign individuals subject to the jurisdiction, direction, or influence of foreign adversaries (as so defined).

SA 2245. Mr. CORNYN (for himself, Mr. COTTON, Mr. SCHUMER, Mr. WARNER, Ms. COLLINS, Mr. TILLIS, Mrs. BLACKBURN, Mr. HAWLEY, Mr. DAINES, Mrs. GILLIBRAND, Mr. KING, Mr. JONES, Ms. SINEMA, and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle H—Semiconductor Manufacturing Incentives

SEC. 1091. SEMICONDUCTOR INCENTIVE GRANTS.

(a) DEFINITIONS.—In this section—

(1) the term ''appropriate committees of Congress'' means—

(A) the Select Committee on Intelligence, the Committee on Commerce, Science, and Transportation, the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Appropriations, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Permanent Select Committee on Intelligence, the Committee on Energy and Commerce, the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Science, Space, and Technology, the Committee on Appropriations, the Committee on Financial Services, and the Committee on Homeland Security of the House of Representatives;

(2) the term ''covered entity'' means a private entity, a consortium of private entities, or a consortium of public and private entities with a demonstrated ability to construct, expand, or modernize a facility relating to the fabrication, assembly, testing, advanced packaging, or advanced research and development of semiconductors;

(3) the term ''covered incentive''—

(A) means an incentive offered by a governmental entity to a covered entity for the purposes of constructing within the jurisdiction of the governmental entity, or expanding or modernizing an existing facility within that jurisdiction, a facility described in paragraph (2); and

(B) includes any tax incentive (such as an incentive or reduction with respect to employment or payroll taxes or a tax abatement with respect to personal or real property), a workforce-related incentive (including a grant agreement relating to workforce training or vocational education), any concession with respect to real property, funding for research and development with respect to semiconductors, and any other incentive determined appropriate by the Secretary, in consultation with the Secretary of State;

(4) the term ''foreign adversary'' means any foreign government or foreign nongovernment person that is engaged in a long-term pattern, or is involved in a serious instance, of conduct that is significantly adverse to—

(A) the national security of the United States or an ally of the United States; or

(B) the security and safety of United States persons;

(5) the term ''governmental entity'' means a State or local government;

(6) the term ''Secretary'' means the Secretary of Commerce; and

(7) the term ''semiconductor'' has the meaning given the term by the Secretary.

(b) GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish in the Department of Commerce a program that, in accordance with the requirements of this section, provides grants to covered entities.

(2) PROCEDURE.—

(A) IN GENERAL.—A covered entity shall submit to the Secretary an application that describes the project for which the covered entity is seeking a grant under this section.

(B) ELIGIBILITY.—In order for a covered entity to qualify for a grant under this section, the covered entity shall demonstrate to the Secretary, in the application submitted by the covered entity under subparagraph (A), that—

(i) the covered entity has a documented interest in constructing, expanding, or modernizing a facility described in subsection (a)(2); and

(ii) with respect to the project described in clause (i), the covered entity has—

(I) been offered a covered incentive;

(II) made commitments to worker and community investment, including through—

(aa) training and education benefits paid by the covered entity; and

(bb) programs to expand employment opportunity for economically disadvantaged individuals; and

(III) secured commitments from regional educational and training entities and institutions of higher education to provide workforce training, including programming for training and job placement of economically disadvantaged individuals.

(C) CONSIDERATIONS FOR REVIEW.—With respect to the review by the Secretary of an application submitted by a covered entity under subparagraph (A)—

(i) the Secretary may not approve the application unless the Secretary—

(I) confirms that the covered entity has satisfied the eligibility criteria under subparagraph (B); and

(II) determines that the project to which the application relates is in the interest of the United States; and

(ii) the Secretary may consider whether—

(I) the covered entity has previously received a grant made under this subsection; and

(II) the governmental entity offering the applicable covered incentive has benefitted from a grant previously made under this subsection.

(3) AMOUNT.—The amount of a grant made by the Secretary to a covered entity under this subsection shall be in an amount that is not more than $3,000,000,000.

(4) USE OF FUNDS.—A covered entity that receives a grant under this subsection may only use the grant amounts to—

(A) finance the construction, expansion, or modernization of a facility described in subsection (a)(2), as documented in the application submitted by the covered entity under paragraph (2)(A), or for similar uses in state

of practice and legacy facilities, as determined necessary by the Secretary for purposes relating to the national security and economic competitiveness of the United States;

(B) support workforce development for the facility described in subparagraph (A); or

(C) support site development for the facility described in subparagraph (A).

(5) CLAWBACK.—The Secretary shall recover the full amount of a grant provided to a covered entity under this subsection if—

(A) as of the date that is 5 years after the date on which the Secretary makes the grant, the project to which the grant relates has not been completed, except that the Secretary may issue a waiver with respect to the requirement under this subparagraph if the Secretary determines that issuing such a waiver is appropriate and in the interests of the United States; or

(B) during the applicable term with respect to the grant, the covered entity engages in any joint research or technology licensing effort—

(i) with the Government of the People's Republic of China, the Government of the Russian Federation, the Government of Iran, the Government of North Korea, or another foreign adversary; and

(ii) that relates to a sensitive technology or product, as determined by the Secretary.

(c) CONSULTATION AND COORDINATION REQUIRED.—In carrying out the program established under subsection (b), the Secretary shall consult and coordinate with the Secretary of State and the Secretary of Defense.

(d) GAO REVIEWS.—The Comptroller General of the United States shall—

(1) not later than 2 years after the date of enactment of this Act, and biennially thereafter until the date that is 10 years after that date of enactment, conduct a review of the program established under subsection (b), which shall include, at a minimum—

(A) a determination of the number of instances in which grants were provided under that subsection during the period covered by the review in violation of a requirement of this section;

(B) an evaluation of how—

(i) the program is being carried out, including how recipients of grants are being selected under the program; and

(ii) other Federal programs are leveraged for manufacturing, research, and training to complement the grants awarded under the program; and

(C) a description of the outcomes of projects supported by grants made under the program, including a description of—

(i) facilities described in subsection (a)(2) that were constructed, expanded, or modernized as a result of grants made under the program;

(ii) research and development carried out with grants made under the program; and

(iii) workforce training programs carried out with grants made under the program, including efforts to hire individuals from disadvantaged populations; and

(2) submit to the appropriate committees of Congress the results of each review conducted under paragraph (1).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $15,000,000,000 for fiscal year 2021, which shall remain available until September 30, 2031.

SEC. 1092. DEPARTMENT OF DEFENSE.

(a) DEPARTMENT OF DEFENSE EFFORTS.—

(1) IN GENERAL.—The Secretary of Defense shall, in consultation with the Secretary of Commerce, the Secretary of Homeland Security, and the Director of National Intelligence, work with the private sector through a public-private partnership, including by incentivizing the formation of a consortium of United States companies, to ensure the development and production of advanced, measurably secure microelectronics for use by the Department of Defense, the intelligence community, critical infrastructure sectors, and other national security applications. Such work may include providing incentives for the creation, expansion, or modernization of one or more commercially competitive and sustainable microelectronics manufacturing or advanced research and development facilities.

(2) RISK MITIGATION REQUIREMENTS.—A participant in a consortium formed with incentives under paragraph (1) shall—

(A) have the potential to perform fabrication, assembly, package, or test functions for microelectronics deemed critical to national security as defined by export control regulatory agencies in consultation with the National Security Adviser and the Secretary of Defense;

(B) include management processes to identify and mitigate supply chain security risks; and

(C) be able to produce microelectronics consistent with applicable measurably secure supply chain and operational security standards established under section 224(b) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92).

(3) NATIONAL SECURITY CONSIDERATIONS.—The Secretary of Defense and the Director of National Intelligence shall select participants for the consortium formed with incentives under paragraph (1). In selecting such participants, the Secretary and the Director may jointly consider whether the United States companies—

(A) have participated in previous programs and projects of the Department of Defense, Department of Energy, or the intelligence community, including—

(i) the Trusted Integrated Circuit program of the Intelligence Advanced Research Projects Activity;

(ii) trusted and assured microelectronics projects, as administered by the Department of Defense;

(iii) the Electronics Resurgence Initiative (ERI) program of the Defense Advanced Research Projects Agency; or

(iv) relevant semiconductor research programs of Advanced Research Projects Agency–Energy;

(B) have demonstrated an ongoing commitment to performing contracts for the Department of Defense and the intelligence community;

(C) are approved by the Defense Counterintelligence and Security Agency or the Office of the Director of National Intelligence as presenting an acceptable security risk, taking into account supply chain assurance vulnerabilities, counterintelligence risks, and any risks presented by companies whose owners are located outside the United States; and

(D) are evaluated periodically for foreign ownership, control, or influence by foreign adversaries.

(4) NONTRADITIONAL DEFENSE CONTRACTORS AND COMMERCIAL ENTITIES.—Arrangements entered into to carry out paragraph (1) shall be in such form as the Secretary of Defense determines appropriate to encourage industry participation of nontraditional defense contractors or commercial entities and may include a contract, a grant, a cooperative agreement, a commercial agreement, the use of other transaction authority under section 2371 of title 10, United States Code, or another such arrangement.

(5) DISCHARGE.—The Secretary of Defense shall carry out paragraph (1) jointly through the Office of the Under Secretary of Defense for Research and Engineering and the Office of the Under Secretary of Defense for Acquisition and Sustainment, or such other component of the Department of Defense as the Secretary considers appropriate.

(6) OTHER INITIATIVES.—The Secretary of Defense shall dedicate initiatives within the Department of Defense to advance radio frequency, mixed signal, radiation tolerant, and radiation hardened microelectronics that support national security and dual-use applications.

(7) REPORTS.—

(A) REPORT BY SECRETARY OF DEFENSE.—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 plans of the Secretary to carry out paragraph (1).

(B) BIENNIAL REPORTS BY COMPTROLLER GENERAL OF THE UNITED STATES.—Not later than 1 year after the date on which the Secretary submits the report required by subparagraph (A) and not less frequently than once every 2 years thereafter for a period of 10 years, the Comptroller General of the United States shall submit to Congress a report on the activities carried out under this subsection.

(b) DEFENSE PRODUCTION ACT OF 1950 EFFORTS.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the President shall submit to Congress a report on a plan for use by the Department of Defense of authorities available in title III of the Defense Production Act of 1950 (50 U.S.C. 4531 et seq.) to establish and enhance a domestic production capability for microelectronics technologies and related technologies, subject to the availability of appropriations for that purpose.

(2) CONSULTATION.—The President shall develop the plan required by paragraph (1) in coordination with the Secretary of Defense, and in consultation with the Secretary of State, the Secretary of Commerce, and appropriate stakeholders in the private sector.

SEC. 1093. DEPARTMENT OF COMMERCE STUDY ON STATUS OF MICROELECTRONICS TECHNOLOGIES IN THE UNITED STATES INDUSTRIAL BASE.

(a) IN GENERAL.—Commencing not later than 120 days after the date of the enactment of this Act, the Secretary of Commerce and the Secretary of Homeland Security, in consultation with the Secretary of Defense and the heads of other appropriate Federal departments and agencies, shall undertake a review, which shall include a survey, using authorities in section 705 of the Defense Production Act (50 U.S.C. 4555), to assess the capabilities of the United States industrial base to support the national defense in light of the global nature of the supply chain and significant interdependencies between the United States industrial base and the industrial base of foreign countries with respect to the manufacture, design, and end use of microelectronics.

(b) RESPONSE TO SURVEY.—The Secretary shall ensure compliance with the survey from among all relevant potential respondents, including the following:

(1) Corporations, partnerships, associations, or any other organized groups domiciled and with substantial operations in the United States.

(2) Corporations, partnerships, associations, or any other organized groups domiciled in the United States with operations outside the United States.

(3) Foreign domiciled corporations, partnerships, associations, or any other organized groups with substantial operations or business presence in, or substantial revenues derived from, the United States.

(4) Foreign domiciled corporations, partnerships, associations, or any other organized groups in defense treaty or assistance

countries where the production of the entity concerned involves critical technologies covered by section 2.

(c) INFORMATION REQUESTED.—The information sought from a responding entity pursuant to the survey required by subsection (a) shall include, at minimum, information on the following with respect to the manufacture. design, or end use of microelectronics by such entity:

(1) An identification of the geographic scope of operations.

(2) Information on relevant cost structures.

(3) An identification of types of microelectronics development, manufacture, assembly, test, and packaging equipment in operation at such entity.

(4) An identification of all relevant intellectual property, raw materials, and semi-finished goods and components sourced domestically and abroad by such entity.

(5) Specifications of the microelectronics manufactured or designed by such entity, descriptions of the end-uses of such microelectronics, and a description of any technical support provided to end-users of such microelectronics by such entity.

(6) Information on domestic and export market sales by such entity.

(7) Information on the financial performance, including income and expenditures, of such entity.

(8) A list of all foreign and domestic subsidies, and any other financial incentives, received by such entity in each market in which such entity operates.

(9) A list of information requests from the People's Republic of China to such entity, and a description of the nature of each request and the type of information provided.

(10) Information on any joint ventures, technology licensing agreements, and cooperative research or production arrangements of such entity.

(11) A description of efforts by such entity to evaluate and control supply chain risks it faces.

(12) A list and description of any sales, licensing agreements, or partnerships between such entity and the People's Liberation Army or People's Armed Police, including any business relationships with entities through which such sales, licensing agreements, or partnerships may occur.

(d) REPORT.—

(1) IN GENERAL.—The Secretary of Commerce shall, in consultation with the Secretary of Defense, the Secretary of Homeland Security, and the heads of other appropriate Federal departments and agencies, submit to Congress a report on the results of the review required by subsection (a). The report shall include the following:

(A) An assessment of the results of the survey.

(B) A list of critical technology areas impacted by potential disruptions in production of microelectronics, and a detailed description and assessment of the impact of such potential disruptions on such areas.

(C) A description and assessment of gaps and vulnerabilities in the microelectronics supply chain and the national industrial supply base.

(2) FORM.— The report required by paragraph (1) may be submitted in classified form.

SEC. 1094. FUNDING FOR DEVELOPMENT AND ADOPTION OF MEASURABLY SECURE MICROELECTRONICS AND MEASURABLY SECURE MICROELECTRONICS SUPPLY CHAINS.

(a) MULTILATERAL MICROELECTRONICS SECURITY FUND.—

(1) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a trust fund, to be known as the ''Multilateral Microelectronics Security Fund'' (in this section referred to as the ''Fund''), consisting of amounts deposited into the Fund under paragraph (2) and any amounts that may be credited to the Fund under paragraph (3).

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $750,000,000 to be deposited in the Fund.

(3) INVESTMENT OF AMOUNTS.—

(A) INVESTMENT OF AMOUNTS.—The Secretary of the Treasury shall invest such portion of the Fund as is not required to meet current withdrawals in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

(B) INTEREST AND PROCEEDS.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(4) USE OF FUND.—

(A) IN GENERAL.—Subject to subparagraph (B), amounts in the Fund shall be available, as provided in advance in an appropriations Act, to the Secretary of State—

(i) to provide funding through the common funding mechanism described in subsection (b)(1) to support the development and adoption of measurably secure microelectronics and measurably secure microelectronics supply chains; and

(ii) to otherwise carry out this section.

(B) AVAILABILITY CONTINGENT ON INTERNATIONAL AGREEMENT.—Amounts in the Fund shall be available to the Secretary of State on and after the date on which the Secretary enters into an agreement with the governments of countries that are partners of the United States to participate in the common funding mechanism under paragraph (1) of subsection (b) and the commitments described in paragraph (2) of that subsection.

(5) AVAILABILITY OF AMOUNTS.—

(A) IN GENERAL.—Amounts in the Fund shall remain available through the end of the tenth fiscal year beginning after the date of the enactment of this Act.

(B) REMAINDER TO TREASURY.—Any amounts remaining in the Fund after the end of the fiscal year described in subparagraph (A) shall be deposited in the general fund of the Treasury.

(b) COMMON FUNDING MECHANISM FOR DEVELOPMENT AND ADOPTION OF MEASURABLY SECURE MICROELECTRONICS AND MEASURABLY SECURE MICROELECTRONICS SUPPLY CHAINS.—

(1) IN GENERAL.—The Secretary of State, in consultation with the Secretary of Commerce, the Secretary of Defense, the Secretary of Homeland Security, the Secretary of the Treasury, and the Director of National Intelligence, shall seek to establish a common funding mechanism, in coordination with the governments of countries that are partners of the United States, that uses amounts from the Fund, and amounts committed by such governments, to support the development and adoption of secure microelectronics and secure microelectronics supply chains, including for use in research and development collaborations among countries participating in the common funding mechanism.

(2) MUTUAL COMMITMENTS.—The Secretary of State, in consultation with the United States Trade Representative, the Secretary of the Treasury, and the Secretary of Commerce, shall seek to negotiate a set of mutual commitments with the governments of countries that are partners of the United States upon which to condition any expenditure of funds pursuant to the common funding mechanism described in paragraph (1). Such commitments shall, at a minimum—

(A) establish transparency requirements for any subsidies or other financial benefits (including revenue foregone) provided to microelectronics firms located in or outside such countries;

(B) establish consistent policies with respect to countries that—

(i) are not participating in the common funding mechanism; and

(ii) do not meet transparency requirements established under subparagraph (A);

(C) promote harmonized treatment of microelectronics and verification processes for items being exported to a country considered a national security risk by a country participating in the common funding mechanism;

(D) establish consistent policies and common external policies to address nonmarket economies as the behavior of such countries pertains to microelectronics;

(E) align policies on supply chain integrity and microelectronics security, including with respect to protection and enforcement of intellectual property rights; and

(F) promote harmonized foreign direct investment screening measures with respect to microelectronics to align with national and multilateral security priorities.

(c) ANNUAL REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act, and annually thereafter for each fiscal year during which amounts in the Fund are available under subsection (a)(5), the Secretary of State shall submit to Congress a report on the status of the implementation of this section that includes a description of—

(1) any commitments made by the governments of countries that are partners of the United States to providing funding for the common funding mechanism described in subsection (b)(1) and the specific amount so committed;

(2) the criteria established for expenditure of funds through the common funding mechanism;

(3) how, and to whom, amounts have been expended from the Fund;

(4) amounts remaining in the Fund;

(5) the progress of the Secretary of State toward entering into an agreement with the governments of countries that are partners of the United States to participate in the common funding mechanism and the commitments described in subsection (b)(2); and

(6) any additional authorities needed to enhance the effectiveness of the Fund in achieving the security goals of the United States.

SEC. 1095. ADVANCED SEMICONDUCTOR RESEARCH AND DESIGN.

(a) APPROPRIATE COMMITTEES OF CONGRESS.— In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Intelligence, the Committee on Commerce, Science, and Transportation, the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Energy and Natural Resources, the Committee on Appropriations, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(2) the Permanent Select Committee on Intelligence, the Committee on Energy and Commerce, the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Science, Space, and Technology, the Committee on Financial Services, and the Committee on Homeland Security of the House of Representatives.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the leadership of the United States in semiconductor technology and innovation is critical to the economic growth and national security of the United States.

(c) SUBCOMMITTEE ON SEMICONDUCTOR LEADERSHIP.—

(1) ESTABLISHMENT REQUIRED.—The President shall establish in the National Science and Technology Council a subcommittee on matters relating to leadership of the United States in semiconductor technology and innovation.

(2) DUTIES.—The duties of the subcommittee established under paragraph (1) are as follows:

(A) NATIONAL STRATEGY ON SEMICONDUCTOR RESEARCH.—

(i) DEVELOPMENT.—In coordination with the Secretary of Defense, the Secretary of Energy, the Secretary of State, the Secretary of Commerce, the Secretary of Homeland Security, the Director of the National Science Foundation, and the Director of the National Institute of Standards and Technology and in consultation with the semiconductor industry and academia, develop a national strategy on semiconductor research, development, manufacturing, and supply chain security, including guidance for the funding of research, and strengthening of the domestic microelectronics workforce.

(ii) REPORTING AND UPDATES.—Not less frequently than once every 5 years, to update the strategy developed under clause (i) and to submit the revised strategy to the appropriate committees of Congress.

(iii) IMPLEMENTATION.—In coordination with the Secretary of Defense, the Secretary of Energy, the Secretary of State, the Secretary of Commerce, the Secretary of Homeland Security, the Director of the National Science Foundation, and the Director of the National Institute of Standards and Technology, on an annual basis coordinate and recommend each agency's semiconductor related research and development programs and budgets to ensure consistency with the National Semiconductor Strategy.

(B) FOSTERING COORDINATION OF RESEARCH AND DEVELOPMENT.—To foster the coordination of semiconductor research and development.

(3) SUNSET.—The subcommittee established under paragraph (1) shall terminate on the date that is 10 years after the date of enactment of this Act.

(d) INDUSTRIAL ADVISORY COMMITTEE.—The President shall establish a standing subcommittee of the President's Council of Advisors on Science and Technology to advise the United States Government on matters relating to microelectronics policy.

(e) NATIONAL SEMICONDUCTOR TECHNOLOGY CENTER.—

(1) ESTABLISHMENT.—The Secretary of Commerce shall establish a national semiconductor technology center to conduct research and prototyping of advanced semiconductor technology to strengthen the economic competitiveness and security of the domestic supply chain, which will be operated as a public private-sector consortium with participation from the private sector, the Department of Defense, the Department of Energy, the Department of Homeland Security, the National Science Foundation, and the National Institute of Standards and Technology

(2) FUNCTIONS.—The functions of the center established under paragraph (1) shall be as follows:

(A) To conduct advanced semiconductor manufacturing, design research and prototyping that strengthens the entire domestic ecosystem and is aligned with the National Strategy on Semiconductor Research.

(B) To establish a National Advanced Packaging Manufacturing Program led by the National Institute of Standards and Technology, in coordination with the Center, to strengthen semiconductor advanced test, assembly, and packaging capability in the domestic ecosystem, and which shall coordinate with the Manufacturing USA institute established under paragraph (4).

(C) To establish an investment fund, in partnership with the private sector, to support startups in the domestic semiconductor ecosystem.

(D) To establish a Semiconductor Manufacturing Program through the Director of the National Institute of Standards and Technology to enable advances and breakthroughs in measurement science, standards, material characterization, instrumentation, testing, and manufacturing capabilities that will accelerate the underlying research and development for metrology of next generation semiconductors and ensure the competitiveness and leadership of the United States within this sector.

(E) To work with the Secretary of Labor, the private sector, educational institutions, and workforce training entities to develop workforce training programs and apprenticeships in advanced microelectronic packaging capabilities.

(3) COMPONENTS.—The fund established under paragraph (2)(C) shall cover the following:

(A) Advanced metrology and characterization for manufacturing of microchips using 3 nanometer transistor processes or more advanced processes.

(B) Metrology for security and supply chain verification.

(4) CREATION OF A MANUFACTURING USA INSTITUTE.—The fund established under paragraph (2)(C) may also cover the creation of a Manufacturing USA institute described in section 34(d) of the National Institute of Standards and Technology Act (15 U.S.C. 278s(d)) that is focused on semiconductor manufacturing. Such institute may emphasize the following:

(A) Research to support the virtualization and automation of maintenance of semiconductor machinery.

(B) Development of new advanced test, assembly and packaging capabilities.

(C) Developing and deploying educational and skills training curricula needed to support the industry sector and ensure the U.S. can build and maintain a trusted and predictable talent pipeline.

(f) AUTHORIZATIONS OF APPROPRIATIONS.—

(1) NATIONAL SEMICONDUCTOR TECHNOLOGY CENTER.—There is authorized to be appropriated to carry out subsection (d), $9,050,000,000 for fiscal year 2021, with such amount to remain available for such purpose through fiscal year 2030—

(A) of which, $3,000,000,000 shall be available to carry out subsection (e)(2)(A);

(B) of which, $5,000,000,000 shall be available to carry out subsection (e)(2)(B)

(C) of which, $500,000,000 shall be available to carry out subsection (e)(2)(C)

(D) of which, $500,000,000 shall be available to carry out subsection (e)(2)(D)—

(i) of which, $20,000,000 shall be available for each of fiscal years 2021 through 2025 to carry out subsection (e)(3)(A);

(ii) of which, $20,000,000 shall be available for each of fiscal years 2021 through 2025 to carry out subsection (e)(3)(B); and

(iii) of which, $50,000,000 shall be available for each of fiscal years 2021 through 2025 to carry out subsection (e)(4); and

(E) of which, $50,000,000 shall be available to carry out subsection (e)(2)(E).

(2) SEMICONDUCTOR RESEARCH AT NATIONAL SCIENCE FOUNDATION.—There is authorized to be appropriated to carry out programs at the National Science Foundation on semiconductor research in alignment with the National Strategy on Semiconductor Research, $1,500,000,000 for fiscal year 2021, with such amount to remain available for such purpose through fiscal year 2025.

(3) SEMICONDUCTOR RESEARCH AT DEPARTMENT OF ENERGY.—There is authorized to be appropriated to carry out programs at the Department of Energy, including the National Laboratories, on semiconductor research, in alignment with the National Strategy on Semiconductor Research, $2,000,000,000 for fiscal year 2021, with such amount to remain available for such purpose through fiscal year 2025.

(4) MICROELECTRONICS RESEARCH AT THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—There is authorized to be appropriated to carry out microelectronics research at the National Institute of Standards and Technology $250,000,000 for fiscal year 2021, with such amount to remain available for such purpose through fiscal year 2025.

(5) SUPPLEMENT NOT SUPPLANT.—The amounts authorized to be appropriated under paragraphs (1) through (5) shall supplement and not supplant amounts already appropriated to carry out the purposes described in such paragraphs.

(g) DOMESTIC PRODUCTION REQUIREMENTS.—The head of any executive agency receiving funding under this section shall develop policies to require domestic production, to the extent possible, for any intellectual property resulting from microelectronics research and development conducted as a result of these funds and domestic control requirements to protect any such intellectual property from foreign adversaries.

SEC. 1096. PROHIBITION RELATING TO FOREIGN ADVERSARIES.

None of the funds appropriated pursuant to an authorization in this subtitle may be provided to an entity—

(1) under the foreign ownership, control, or influence of the Government of the People's Republic of China or the Chinese Communist Party, or other foreign adversary (as defined in section 1091(a)(4)); or

(2) determined to have beneficial ownership from foreign individuals subject to the jurisdiction, direction, or influence of foreign adversaries (as so defined).

SA 2246. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In section 883(a), strike ''October 1'' and insert ''September 30''.

SA 2247. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title XII, add the following:

SEC. 1287. SENSE OF SENATE ON DEFENSE SPENDING AND GLOBAL SECURITY CHALLENGES.

It is the sense of the Senate that—

(1) as recommended by the bipartisan National Defense Strategy Commission report issued in November 2018, ''Congress should increase the size of the base defense budget significantly through the Future Years Defense Program and perhaps beyond.'';

(2) as recommended by former Secretary of Defense Jim Mattis and former Chairman of the Joint Chiefs of Staff General Joseph Dunford, as well as the bipartisan National Defense Strategy Commission report issued in November 2018, real growth of at least three to five percent annual growth in the budget for the Department of Defense is required to achieve the objectives of the National Defense Strategy;

(3) the need for three to five percent real growth in the budget for the Department preceded the COVID–19 pandemic, which has already imposed significant costs on the Department, and is likely to do so in the future given the effects on the defense industrial base and the Department's role in supporting the whole-of-government response to COVID–19;

(4) increasingly aggressive behavior by the People's Republic of China during the COVID–19 pandemic, including coercive and violent actions against allies and partners of the United States, is indicative of intensifying strategic competition requiring robust and sustained investment in the United States Armed Forces; and

(5) Congress should support sufficient, timely, and sustained defense investment in order to—

(A) achieve the objectives of the National Defense Strategy; and

(B) confront a complex array of global security challenges, including those which have intensified in the aftermath of the COVID–19 pandemic.

SA 2248. Mr. INHOFE (for himself and Mr. REED) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

After section 931, insert the following:

SEC. 931A. OFFICE OF THE CHIEF OF SPACE OPERATIONS.

(a) IN GENERAL.—Chapter 908 of title 10, United States Code, as amended by section 931(e) of this Act, is further amended—

(1) by redesignating section 9083 as section 9085; and

(2) by inserting after section 9082 the following new sections:

"§ 9083. Office of the Chief of Space Operations: function; composition

''(a) FUNCTION.—There is in the executive part of the Department of the Air Force an Office of the Chief of Space Operations to assist the Secretary of the Air Force in carrying out the responsibilities of the Secretary.

''(b) COMPOSITION.—The Office of the Chief of Space Operations is composed of the following:

''(1) The Chief of Space Operations.

''(2) Such other offices and officials as may be established by law or as the Secretary of the Air Force may establish or designate.

''(3) Other members of the Space Force and Air Force assigned or detailed to the Office of the Chief of Space Operations.

''(4) Civilian employees in the Department of the Air Force assigned or detailed to the Office of the Chief of Space Operations.

''(c) ORGANIZATION.—Except as otherwise specifically prescribed by law, the Office of the Chief of Space Operations shall be organized in such manner, and the members of the Office of the Chief of Space Operations shall perform such duties and have such titles, as the Secretary of the Air Force may prescribe.

"§ 9084. Office of the Chief of Space Operations: general duties

''(a) PROFESSIONAL ASSISTANCE.—The Office of the Chief of Space Operations shall furnish professional assistance to the Secretary of the Air Force, the Chief of Space Operations, and other personnel of the Office of the Secretary of the Air Force or the Office of the Chief of Space Operations.

''(b) AUTHORITIES.—Under the authority, direction, and control of the Secretary of the Air Force, the Office of the Chief of Space Operations shall—

''(1) subject to subsections (c) and (d) of section 9014 of this title, prepare for such employment of the Space Force, and for such recruiting, organizing, supplying, equipping (including research and development), training, servicing, mobilizing, demobilizing, administering, and maintaining of the Space Force, as will assist in the execution of any power, duty, or function of the Secretary of the Air Force or the Chief of Space Operations;

''(2) investigate and report upon the efficiency of the Space Force and its preparation to support military operations by commanders of the combatant commands;

''(3) prepare detailed instructions for the execution of approved plans and supervise the execution of those plans and instructions;

''(4) as directed by the Secretary of the Air Force or the Chief of Space Operations, coordinate the action of organizations of the Space Force; and

''(5) perform such other duties, not otherwise assigned by law, as may be prescribed by the Secretary of the Air Force.''.

(b) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 908 of such title, as amended by section 931(f) of this Act, is further amended by striking the item related to section 9083 and inserting the following the following new items:

''9083. Office of the Chief of Space Operations: function; composition.

''9084. Office of the Chief of Space Operations: general duties.

''9085. Regular Space Force: composition.''.

At the end of part II of subtitle D of title IX, add the following:

SEC. 944. CLARIFICATION OF PROCUREMENT OF COMMERCIAL SATELLITE COMMUNICATIONS SERVICES.

(a) IN GENERAL.—Chapter 963 of title 10, United States Code, is amended by inserting before section 9532 the following new section:

"§ 9531. Procurement of commercial satellite communications services

''The Secretary of the Air Force shall be responsible for the procurement of commercial satellite communications services for the Department of Defense.''.

(b) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 963 of such title is amended by inserting before the item relating to section 9532 the following new item:

''9531. Procurement of commercial satellite communications services.''.

SEC. 945. TEMPORARY EXEMPTION FROM AUTHORIZED DAILY AVERAGE OF MEMBERS IN PAY GRADES E–8 AND E–9.

Section 517 of title 10, United States Code, shall not apply to the Space Force until October 1, 2023.

SEC. 946. APPLICATION OF ACQUISITION DEMONSTRATION PROJECT TO DEPARTMENT OF THE AIR FORCE EMPLOYEES ASSIGNED TO ACQUISITION POSITIONS WITHIN THE SPACE FORCE.

(a) IN GENERAL.—Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1599i. Application of acquisition demonstration project to Department of the Air Force employees assigned to acquisition positions within the Space Force

''For purposes of the demonstration project authorized by section 1762 of this title, the Secretary of Defense may apply the provisions of such section, including any regulations, procedures, waivers, or guidance implementing such section, to employees of the Department of the Air Force assigned to acquisition positions within the Space Force.''.

(b) TABLE OF SECTIONS.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1599i. Application of acquisition demonstration project to Department of the Air Force employees assigned to acquisition positions within the Space Force.''.

SEC. 947. AIR AND SPACE FORCE MEDAL.

(a) SUPERSEDURE OF AIRMAN'S MEDAL WITH AIR AND SPACE FORCE MEDAL.—

(1) IN GENERAL.—Section 9280 of title 10, United States Code, is amended—

(A) by striking ''Airman's Medal'' each place it appears and inserting ''Air and Space Force Medal''; and

(B) in subsection (a)(1), by inserting ''or the Space Force'' after ''the Air Force''.

(2) SECTION HEADING.—The heading of such section is amended to read as follows:

"§ 9280. Air and Space Force Medal: award; limitations".

(3) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 937 of such title is amended by striking the item relating to section 9280 and inserting the following new item:

''9280. Air and Space Force Medal: award; limitations.''.

(b) DIFFERENTIATION IN DESIGN.—The President shall ensure that the design of the Air and Space Force Medal and accompanying ribbon (and any related bar or device) awarded under section 9280 of title 10, United States Code (as amended by subsection (a)), differs in an appropriate manner from the design of the Airman's Medal and accompanying ribbon, bar, or device awarded under section 9280 of title 10, United States Code, as such section was in effect on the date before the date of the enactment of this Act.

SA 2249. Mr. WARNER (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title XII, add the following:

SEC. 1287. BRIEFING ON UNITED STATES-INDIA JOINT DEFENSE AND RELATED INDUSTRIAL AND TECHNOLOGY RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the Committee on Armed Services and the Committee on Foreign Relations of the Senate a briefing on joint defense and related industrial and technology research and development and personnel exchange opportunities between the United States and India.

(b) MATTERS TO BE INCLUDED.—The briefing under subsection (a) shall include the following:

(1) A status update on the Defense Technology and Trade Initiative and its efforts to increase private sector industrial cooperation.

(2) An assessment of whether additional funds are necessary for the Defense Technology and Trade Initiative for seed funding and personnel exchanges.

(3) An assessment of whether the Israel-U.S. Binational Industrial Research and Development Foundation and Fund provides a model for United States and India private sector collaboration on defense and critical technologies.

(4) A status update on the collaboration between the Department of Defense Innovation Unit and the Innovations for Defence Excellence program of the Ministry of Defence of India to enhance the capacity of the Department of Defense and Ministry of Defence of India to identify and source solutions to military requirements by accessing cutting-edge commercial technology through non-traditional processes.

SA 2250. Mr. SCHUMER (for Mr. MERKLEY) submitted an amendment intended to be proposed by Mr. Schumer to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title III, add the following:

SEC. 355. REPORT ON NON-PERMISSIVE, GLOBAL POSITIONING SYSTEM DENIED AIRFIELD CAPABILITIES.

(a) IN GENERAL.—Not later than February 1, 2021, the Secretary of Defense shall submit to the congressional defense committees a report assessing the ability of each combatant command to conduct all-weather, day-night operations at airfields of the Department of Defense in a non-permissive, global positioning system denied environment.

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

(1) An assessment of current air traffic control and landing systems at existing airfields and contingency airfields of the Department.

(2) An assessment of the ability of each combatant command to conduct all-weather, day-night airfield flight operations in a non-permissive, global positioning system denied environment at existing and contingency airfields of the Department, including aircraft tracking and precision landing.

(3) An assessment of the ability of each combatant command to rapidly set up and conduct operations at alternate airfields of the Department, including the ability to receive and deploy forces in a non-permissive, global positioning system denied environment.

(4) A list of backup systems in place or prepositioned to be able to reconstitute operations after an attack.

SA 2251. Mr. SCHUMER (for Mr. MERKLEY (for himself, Mr. CORNYN, Mr. CARDIN, Mr. GARDNER, Mr. LEAHY, Mr. WICKER, and Mr. SCOTT of Florida)) submitted an amendment intended to be proposed by Mr. Schumer to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XII, add the following:

SEC. 1262. EXTENSION OF PROHIBITION ON COMMERCIAL EXPORT OF CERTAIN MUNITIONS TO THE HONG KONG POLICE FORCE.

Section 3 of the Act entitled ''An Act to prohibit the commercial export of covered munitions items to the Hong Kong Police Force'', approved November 27, 2019 (Public Law 116–77; 133 Stat. 1174), is amended by striking ''one year after the date of the enactment of this Act'' and inserting ''on November 27, 2021''.

SA 2252. Mr. SCHATZ (for himself, Ms. MURKOWSKI, Ms. HARRIS, and Mr. PAUL) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. REFORM AND OVERSIGHT OF DEPARTMENT OF DEFENSE TRANSFER OF PERSONAL PROPERTY TO LAW ENFORCEMENT AGENCIES.

(a) IN GENERAL.—Section 2576a of title 10, United States Code, is amended—

(1) in subsection (a)(1), in the matter preceding subparagraph (A), by striking ''subsection (b)'' and inserting ''the provisions of this section'';

(2) in subsection (b)—

(A) in paragraph (5), by striking ''and'' at the end;

(B) in paragraph (6), by striking the period and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

''(7) the recipient, on an annual basis, certifies that if the recipient determines that the property is surplus to the needs of the recipient, the recipient will return the property to the Department of Defense;

''(8) the recipient submits to the Department of Defense a description of how the recipient expects to use the property;

''(9) with respect to a recipient that is not a Federal agency, the recipient certifies to the Department of Defense that the recipient notified the local community of the request for property under this section by—

''(A) publishing a notice of such request on a publicly accessible internet website;

''(B) posting such notice at several prominent locations in the jurisdiction of the recipient; and

''(C) ensuring that such notices were available to the local community for a period of not less than 30 days;

''(10) with respect to a recipient that is not a Federal agency, the recipient submits to the Department of Defense a description of the training courses or certifications required for use of transferred property;

''(11) with respect to a recipient that is a local law enforcement agency, the recipient has received the approval of the city council or other local governing body to acquire the property sought under this section; and

''(12) with respect to a recipient that is a State law enforcement agency, the recipient has received the approval of the appropriate state governing body to acquire the property sought under this section.'';

(3) by striking subsections (e) and (f); and

(4) by adding at the end the following new subsections:

''(e) ANNUAL CERTIFICATION ACCOUNTING FOR TRANSFERRED PROPERTY.—(1) For each fiscal year, the Secretary shall submit to Congress certification in writing that each Federal or State agency to which the Secretary has transferred personal property under this section—

''(A) has provided to the Secretary documentation accounting for all controlled property, including arms and ammunition, that the Secretary has transferred to the agency, including any item described in subsection (f)(1) so transferred before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2021; and

''(B) with respect to a non-Federal agency, carried out each of paragraphs (5) through (9) of subsection (b).

''(2) If the Secretary cannot provide a certification under paragraph (1) for a Federal or State agency, the Secretary may not transfer additional property to that agency under this section.

''(f) ANNUAL REPORT ON EXCESS PROPERTY.—The Secretary shall submit to Congress each year, before making any personal property available for transfer under this section in that year, report setting forth a description of the property to be transferred, together with a certification that the transfer of the property would not violate this section or any other provision of law.

''(g) LIMITATIONS ON TRANSFERS.—(1) The Secretary may not transfer to a Federal, Tribal, State, or local law enforcement agency under this section the following:

''(A) Bayonets, grenade launchers, grenades (excluding stun and flash-bang), explosives, and firearms of .50 caliber or higher and ammunition of 0.5 caliber or higher.

''(B) Tracked combat vehicles.

''(C) Weaponized drones.

''(D) Asphyxiating gases, including those comprised of lachrymatory agents, and analogous liquids, materials or devices.

''(E) Items in the Federal Supply Class of banned items.

''(2) The limitations under this subsection shall also apply with respect to the transfer of previously transferred property of the Department of Defense from one Federal or State agency to another such agency.

''(3) The Secretary shall require that equipment transferred under this section shall be returned upon a finding that the equipment has been used to conduct actions against citizens of the United States that infringe upon the rights of the citizens under the First Amendment to the Constitution of the United States to assemble peaceably or to petition the Government for redress of grievances.

''(4) The Secretary shall prohibit the transfer of equipment to a Federal or State agency for a period of 5 years upon a finding that equipment transferred under this section to the Federal or State agency has been used to conduct actions against United States citizens that infringe upon the rights of the citizens under the First Amendment to the Constitution of the United States to assemble peaceably or to petition the Government for redress of grievances.

''(5) The Secretary shall require, as a condition of any transfer of property under this section, that—

''(A) if the Department of Justice opens an investigation into a Federal or State agency for violation of civil liberties, the Secretary shall pause all pending or future transfers to such agency; and

''(B) property shall be returned upon a finding of responsibility as a result of an investigation described in subparagraph (A) or otherwise for a finding of responsibility for widespread abuses of civil liberties.

''(h) CONDITIONS FOR EXTENSION OF PROGRAM.—Notwithstanding any other provision of law, amounts authorized to be appropriated or otherwise made available for any fiscal year may not be obligated or expended to carry out this section unless the Secretary submits to the appropriate committees of Congress a certification, for the preceding fiscal year, that—

''(1) each recipient agency that has received personal property under this section has—

''(A) demonstrated full and complete accountability for all such property, in accordance with paragraph (2) or (3), as applicable; or

''(B) been suspended or terminated from the program pursuant to paragraph (4);

''(2) with respect to each non-Federal agency that has received property under this section, the State Coordinator responsible for each such agency has verified that the State Coordinator or an agent of the State Coordinator has conducted an in-person inventory of the property transferred to the agency and that all such property was accounted for during the inventory or that the agency has been suspended or terminated from the program pursuant to paragraph (4);

''(3) with respect to each Federal agency that has received property under this section, the Secretary or an agent of the Secretary has conducted an in-person inventory of the property transferred to the agency and that all such property was accounted for during the inventory or that the agency has been suspended or terminated from the program pursuant to paragraph (4);

''(4) the eligibility of any agency that has received property under this section for which all of such property was not accounted for during an inventory described in paragraph (2) or (3), as applicable, to receive property transferred under this section has been suspended or terminated;

''(5) each State Coordinator has certified, for each non-Federal agency located in the State for which the State Coordinator is responsible that—

''(A) the agency has complied with all requirements under this section; or

''(B) the eligibility of the agency to receive property transferred under this section has been suspended or terminated; and

''(6) the Secretary has certified, for each Federal agency that has received property under this section that—

''(A) the agency has complied with all requirements under this section; or

''(B) the eligibility of the agency to receive property transferred under this section has been suspended or terminated.

''(i) APPROVAL BY LAW REQUIRED FOR TRANSFER OF PROPERTY NOT PREVIOUSLY TRANSFERRABLE.—(1) In the event the Secretary proposes to make available for transfer under this section any personal property of the Department of Defense not previously made available for transfer under this section, the Secretary shall submit to the appropriate committees of Congress a report setting forth the following:

''(A) A description of the property proposed to be made available for transfer.

''(B) A description of the conditions, if any, to be imposed on use of the property after transfer.

''(C) A certification that transfer of the property would not violate a provision of this section or any other provision of law.

''(2) The Secretary may not transfer any property covered by a report under this subsection unless authorized by a law enacted by Congress after the date of the receipt of the report by Congress.

''(j) ANNUAL CERTIFICATION ACCOUNTING FOR TRANSFERRED PROPERTY.—(1) The Secretary shall submit to the appropriate committees of Congress each year a certification in writing that each recipient to which the Secretary has transferred personal property under this section during the preceding fiscal year—

''(A) has provided to the Secretary documentation accounting for all property the Secretary has previously transferred to such recipient under this section; and

''(B) has complied with paragraphs (5) and (6) of subsection (b) with respect to the property so transferred during such fiscal year.

''(2) If the Secretary cannot provide a certification under paragraph (1) for a recipient, the Secretary may not transfer additional property to such recipient under this section, effective as of the date on which the Secretary would otherwise make the certification under this subsection, and such recipient shall be suspended or terminated from further receipt of property under this section.

''(k) QUARTERLY REPORTS ON USE OF CONTROLLED EQUIPMENT.—Not later than 30 days after the last day of a fiscal quarter, the Secretary shall submit to Congress a report on any uses of controlled property transferred under this section during that fiscal quarter.

''(l) REPORTS TO CONGRESS.—Not later than 30 days after the last day of a fiscal year, the Secretary shall submit to Congress a report on the following for the preceding fiscal year:

''(1) The percentage of equipment lost by recipients of property transferred under this section, including specific information about the type of property lost, the monetary value of such property, and the recipient that lost the property.

''(2) The transfer of any new (condition code A) property transferred under this section, including specific information about the type of property, the recipient of the property, the monetary value of each item of the property, and the total monetary value of all such property transferred during the fiscal year.

''(m) PUBLICLY ACCESSIBLE WEBSITE ON TRANSFERRED CONTROLLED PROPERTY.—(1) The Secretary shall create and maintain a publicly available internet website that provides information on the controlled property transferred under this section and the recipients of such property.

''(2) The contents of the internet website required under paragraph (1) shall include all publicly accessible unclassified information pertaining to the request, transfer, denial, and repossession of controlled property under this section, including—

''(A) a current inventory of all controlled property transferred to Federal and State agencies under this section, listed by—

''(i) the name of the Federal agency, or the State, county, and recipient agency;

''(ii) the item name, item type, and item model;

''(iii) the date on which such property was transferred; and

''(iv) the current status of such item;

''(B) all pending requests for transfers of controlled property under this section, including the information submitted by the Federal and State agencies requesting such transfers;

''(C) a list of each agency suspended or terminated from further receipt of property under this section, including any State, county, or local agency, and the reason for and duration of such suspension or termination; and

''(D) all reports required to be submitted to the Secretary under this section by Federal and State agencies that receive controlled property under this section.

''(3) The Secretary shall update on a quarterly basis the contents of the internet website required under paragraph (1), on which the contents of the Internet website described in paragraph (2) shall be made publicly available in a searchable format

''(n) DEFINITIONS.—In this section:

''(1) The term 'appropriate committees of Congress' means—

''(A) the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate; and

''(B) the Committee on Armed Services and the Committee on Oversight and Government Reform of the House of Representatives.

''(2) The term 'agent of a State Coordinator' means any individual to whom a State Coordinator formally delegates responsibilities for the duties of the State Coordinator to conduct inventories described in subsection (g)(2).

''(3) The term 'controlled property' means any item assigned a demilitarization code of B, C, D, E, G, or Q under Department of Defense Manual 4160.21–M, 'Defense Materiel Disposition Manual', or any successor document.

''(4) The term 'State Coordinator', with respect to a State, means the individual appointed by the governor of the State to maintain property accountability records and oversee property use by the State.''.

(b) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

(c) INTERAGENCY LAW ENFORCEMENT EQUIPMENT WORKING GROUP.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of Defense shall establish an interagency Law Enforcement Equipment Working Group (referred to in this subsection as the ''Working Group'') to support oversight and policy development functions for controlled equipment programs.

(2) PURPOSE.—The Working Group shall—

(A) examine and evaluate the Controlled and Prohibited Equipment Lists for possible additions or deletions;

(B) track law enforcement agency controlled equipment inventory;

(C) ensure Government-wide criteria to evaluate requests for controlled equipment;

(D) ensure uniform standards for compliance reviews;

(E) harmonize Federal programs to ensure the programs have consistent and transparent policies with respect to the acquisition of controlled equipment by law enforcement agencies;

(F) require after-action analysis reports for significant incidents involving Federally provided or Federally funded controlled equipment;

(G) develop policies to ensure that law enforcement agencies abide by any limitations or affirmative obligations imposed on the acquisition of controlled equipment or receipt of funds to purchase controlled equipment from the Federal Government and the obligations resulting from receipt of Federal financial assistance;

(H) require State and local governing body to review and authorize a law enforcement agency's request for or acquisition of controlled equipment;

(I) require that law enforcement agencies participating in Federal controlled equipment programs receive necessary training regarding appropriate use of controlled equipment and the implementation of obligations resulting from receipt of Federal financial assistance, including training on the protection of civil rights and civil liberties;

(J) provide uniform standards for suspending law enforcement agencies from Federal controlled equipment programs for specified violations of law, including civil rights laws, and ensuring those standards are implemented consistently across agencies; and

(K) create a process to monitor the sale or transfer of controlled equipment from the Federal Government or controlled equipment purchased with funds from the Federal Government by law enforcement agencies to third parties.

(3) COMPOSITION.—

(A) IN GENERAL.—The Working Group shall be co-chaired by the Secretary of Defense, the Attorney General, and the Secretary of Homeland Security.

(B) MEMBERSHIP.—The Working Group shall be comprised of—

(i) representatives of interested parties, who are not Federal employees, including appropriate State, local, and Tribal officials, law enforcement organizations, civil rights and civil liberties organizations, and academics; and

(ii) the heads of such other agencies and offices as the Co-Chairs may, from time to time, designate.

(C) DESIGNATION.—A member of the Working Group described in subparagraph (A) or in subparagraph (B)(ii) may designate a senior-level official from the agency represented by the member to perform the day-to-day Working Group functions of the member, if the designated official is a full-time officer or employee of the Federal Government.

(D) SUBGROUPS.—At the direction of the Co-Chairs, the Working Group may establish subgroups consisting exclusively of Working Group members or their designees under this subsection, as appropriate.

(E) EXECUTIVE DIRECTOR.—

(i) IN GENERAL.—There shall be an Executive Director of the Working Group, to be appointed by the Attorney General.

(ii) RESPONSIBILITIES.—The Executive Director appointed under clause (i) shall determine the agenda of the Working Group, convene regular meetings, and supervise the work of the Working Group under the direction of the Co-Chairs.

(iii) FUNDING.—

(I) IN GENERAL.—To the extent permitted by law and using amounts already appropriated, the Secretary shall fund, and provide administrative support for, the Working Group

(II) REQUIREMENT.—Each agency shall bear its own expenses for participating in the Working Group.

(F) COORDINATION WITH THE DEPARTMENT OF HOMELAND SECURITY.—In general, the Working Group shall coordinate with the Homeland Security Advisory Council of the Department of Homeland Security to identify areas of overlap or potential national preparedness implications of further changes to Federal controlled equipment programs.

(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as creating any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

SA 2253. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the following:

SEC. _____. ESTABLISHMENT OF FEDERAL ADVISORY COMMITTEE ON THE DEVELOPMENT AND IMPLEMENTATION OF ARTIFICIAL INTELLIGENCE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of Commerce shall establish a Federal advisory committee to advise the Secretary on matters relating to the development of artificial intelligence.

(2) DESIGNATION.—The Federal advisory committee established under paragraph (1) shall be known as the ''Federal Advisory Committee on the Development and Implementation of Artificial Intelligence'' (in this section referred to as the ''Advisory Committee'').

(b) PURPOSES OF THE ADVISORY COMMITTEE.—

(1) ADVICE.—The Advisory Committee shall provide advice to the Secretary on matters relating to the development and use of artificial general intelligence and narrow artificial intelligence, including on the following as they relate to artificial intelligence:

(A) The competitiveness of the United States, including matters relating to the promotion of public and private sector investment and innovation into the development of artificial intelligence.

(B) Workforce, including matters relating to the potential for using artificial intelligence for rapid retraining of workers, due to the possible effect of technological displacement and to increase the labor force participation of traditionally underrepresented populations, including minorities, low-income populations, and persons with disabilities.

(C) Education, including matters relating to science, technology, engineering, and mathematics education to prepare the United States workforce as the needs of employers change.

(D) Ethics training and development for individuals, including both private and government technologists, working on and using artificial intelligence.

(E) Matters relating to open sharing of data and the open sharing of research on artificial intelligence.

(F) International cooperation and competitiveness, including matters relating to the competitive international landscape for artificial intelligence-related industries.

(G) Accountability and legal rights, including matters relating to the responsibility for any violations of laws by an artificial intelligence system and the compatibility of international regulations.

(H) Matters relating to machine learning bias through core cultural and societal norms.

(I) Matters relating to how artificial intelligence can serve or enhance opportunities in rural communities.

(J) Government efficiency, including matters relating to how to promote cost saving and streamline operations.

(K) Matters relating to individual civil rights, including an assessment regarding how rights are or will be affected by the use of artificial intelligence technology and whether such uses should be subject to additional controls, oversight, or limitations.

(L) Matters relating to urbanization and the development of smart cities.

(2) STUDY.—The Advisory Committee shall study and assess the following:

(A) How the term ''artificial intelligence'' should be defined for purposes of this section and how the relevant scope of the Advisory Committee should be defined, including how such definitions relate to artificial systems and both narrow and general forms of artificial intelligence. In carrying out this subparagraph, the Advisory Committee shall consider the following:

''(1) The term 'artificial intelligence' includes the following:

''(A) Any artificial systems that perform tasks under varying and unpredictable circumstances, without significant human oversight, or that can learn from their experience and improve their performance. Such systems may be developed in computer software, physical hardware, or other contexts not yet contemplated. They may solve tasks requiring human-like perception, cognition, planning, learning, communication, or physical action. In general, the more human-like the system within the context of its tasks, the more it can be said to use artificial intelligence.

''(B) Systems that think like humans, such as cognitive architectures and neural networks.

''(C) Systems that act like humans, such as systems that can pass the Turing test or other comparable test via natural language processing, knowledge representation, automated reasoning, and learning.

''(D) A set of techniques, including machine learning, that seek to approximate some cognitive task.

''(E) Systems that act rationally, such as intelligent software agents and embodied robots that achieve goals via perception, planning, reasoning, learning, communicating, decisionmaking, and acting.

''(2) The term 'artificial general intelligence' means a notional future artificial intelligence system that exhibits apparently intelligent behavior at least as advanced as a person across the range of cognitive, emotional, and social behaviors.

''(3) The term 'narrow artificial intelligence' means an artificial intelligence system that addresses specific application areas such as playing strategic games, language translation, self-driving vehicles, and facial or other image recognition.''.

(B) How to create a climate for public and private sector investment and innovation in artificial intelligence.

(C) The possible benefits and effects that the development of artificial intelligence may have on the economy, workforce, and competitiveness of the United States.

(D) Whether and how networked, automated, artificial intelligence applications and robotic devices will displace or create jobs and how any job-related gains relating to artificial intelligence can be maximized.

(E) How bias can be identified and eliminated in the development of artificial intelligence and in the algorithms that support them, including with respect to the following:

(i) The selection and processing of data used to train artificial intelligence.

(ii) Diversity in the development of artificial intelligence.

(iii) The ways and places the systems are deployed and the potential harmful outcomes.

(F) Whether and how to incorporate ethical standards in the development and implementation of artificial intelligence.

(G) How the Federal Government can encourage technological progress in implementation of artificial intelligence that benefits the full spectrum of social and economic classes.

(H) How the privacy rights of individuals are or will be affected by technological innovation relating to artificial intelligence.

(I) Whether technological advancements in artificial intelligence have or will outpace the legal and regulatory regimes implemented to protect consumers.

(J) How existing laws, including those concerning data access and privacy, should be

modernized to enable the potential of artificial intelligence.

(K) How the Federal Government utilizes artificial intelligence to handle large or complex data sets.

(L) How ongoing dialogues and consultations with multi-stakeholder groups can maximize the potential of artificial intelligence and further development of artificial intelligence technologies that can benefit everyone inclusively.

(M) How the development of artificial intelligence can affect cost savings and streamline operations in various areas of government operations, including health care, cybersecurity, infrastructure, and disaster recovery.

(N) Such other matters as the Advisory Committee considers appropriate.

(3) REPORTS AND RECOMMENDATIONS.—

(A) REPORT BY ADVISORY COMMITTEE.—Not later than 540 days after the date of the enactment of this Act, the Advisory Committee shall submit to the Secretary and to Congress a report on the findings of the Advisory Committee and such recommendations as the Advisory Committee may have for administrative or legislative action relating to artificial intelligence.

(B) RECOMMENDATIONS OF SECRETARY.—Not later than 90 days after receiving the report submitted under subparagraph (A), the Secretary shall review the report and submit to Congress such recommendations as the Secretary may have with respect to the matters contained in the report submitted under subparagraph (A).

(c) MEMBERSHIP.—

(1) VOTING MEMBERS.—

(A) IN GENERAL.—The Advisory Committee shall be composed of 19 voting members who shall be appointed by the Secretary, with advisement from the Chair and Ranking Member of the Committee on Commerce, Science, and Transportation of the Senate and the Chair and Ranking Member of the Committee on Energy and Commerce of the House of Representatives, for purposes of the Advisory Committee from among individuals with expertise in matters relating to workforce development, ethics, privacy, artificial intelligence, or computer science.

(B) REPRESENTATION.—In carrying out subparagraph (A), the Secretary shall ensure that voting members are appointed as follows:

(i) Five members from the academic or research community.

(ii) Six members from private industry, at least 1 of whom shall be from a small business concern.

(iii) Six members from civil society, at least 2 of whom shall be from groups that advocate for civil liberties or civil rights.

(iv) Two members from labor organizations or groups, including those that represent the unique interests of traditionally underrepresented populations.

(C) GEOGRAPHICAL DIVERSITY.—In carrying out subparagraph (A), the Secretary shall ensure that the voting members of the Advisory Committee come from diverse geographical locations within the United States.

(2) NONVOTING MEMBERS.—The Advisory Committee shall also be composed of such nonvoting members as the Secretary considers appropriate, except that the Secretary shall appoint at least 1 such member from each of the following:

(A) The Department of Education.

(B) The Department of Justice.

(C) The Department of Labor.

(D) The Department of Transportation.

(E) The Department of Homeland Security.

(F) The Federal Trade Commission.

(G) The National Institute of Standards and Technology.

(H) The National Science Foundation.

(I) The National Science and Technology Council.

(J) The intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)).

(K) The Privacy and Civil Liberties Oversight Board.

(L) Such other nonvoting members as the voting members of the Advisory Committee consider appropriate.

(3) CHAIRPERSON.—The Secretary shall appoint a chairperson for the Advisory Committee from among the members appointed under paragraph (1).

(d) MEETINGS.—The Advisory Committee shall meet—

(1) in person no less frequently than twice each year; and

(2) via telepresence no less frequently than once every 2 months.

(e) POWERS.—In order to carry out its duties under subsection (b), the Advisory Committee may—

(1) hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Advisory Committee considers appropriate;

(2) submit to Congress such recommendations as the Advisory Committee considers appropriate;

(3) submit to Federal agencies such recommendations as the Advisory Committee considers appropriate;

(4) issue reports, guidelines, and memoranda;

(5) hold or host conferences and symposia;

(6) enter into cooperative agreements with third-party experts to obtain relevant advice or expertise, and oversee staff;

(7) establish subcommittees; and

(8) establish rules of procedure.

(f) TRAVEL EXPENSES.—The members of the Advisory Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Advisory Committee.

(g) FUNDING.—

(1) IN GENERAL.—Except as provided in paragraph (2), amounts to carry out this section shall be derived from amounts appropriated or otherwise made available to the Secretary.

(2) DONATIONS.—

(A) AUTHORIZATION.—The Advisory Committee may solicit and accept donations from private persons and non-Federal entities to carry out this section.

(B) LIMITATION.—Of the amounts expended by the Advisory Committee in a fiscal year to carry out this section, not more than half may be derived from amounts received under subparagraph (A).

SA 2254. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the following:

SEC. _____. ESTABLISHMENT OF FEDERAL ADVISORY COMMITTEE ON THE DEVELOPMENT AND IMPLEMENTATION OF ARTIFICIAL INTELLIGENCE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of Commerce shall establish a Federal advisory committee to advise the Secretary on matters relating to the development of artificial intelligence.

(2) DESIGNATION.—The Federal advisory committee established under paragraph (1) shall be known as the ''Federal Advisory Committee on the Development and Implementation of Artificial Intelligence'' (in this section referred to as the ''Advisory Committee'').

(b) PURPOSES OF THE ADVISORY COMMITTEE.—

(1) ADVICE.—The Advisory Committee shall provide advice to the Secretary on matters relating to the development and use of artificial general intelligence and narrow artificial intelligence, including on the following as they relate to artificial intelligence:

(A) The competitiveness of the United States, including matters relating to the promotion of public and private sector investment and innovation into the development of artificial intelligence.

(B) Workforce, including matters relating to the potential for using artificial intelligence for rapid retraining of workers, due to the possible effect of technological displacement and to increase the labor force participation of traditionally underrepresented populations, including minorities, low-income populations, and persons with disabilities.

(C) Education, including matters relating to science, technology, engineering, and mathematics education to prepare the United States workforce as the needs of employers change.

(D) Ethics training and development for individuals, including both private and government technologists, working on and using artificial intelligence.

(E) Matters relating to open sharing of data and the open sharing of research on artificial intelligence.

(F) International cooperation and competitiveness, including matters relating to the competitive international landscape for artificial intelligence-related industries.

(G) Accountability and legal rights, including matters relating to the responsibility for any violations of laws by an artificial intelligence system and the compatibility of international regulations.

(H) Matters relating to machine learning bias through core cultural and societal norms.

(I) Matters relating to how artificial intelligence can serve or enhance opportunities in rural communities.

(J) Government efficiency, including matters relating to how to promote cost saving and streamline operations.

(K) Matters relating to individual civil rights, including an assessment regarding how rights are or will be affected by the use of artificial intelligence technology and whether such uses should be subject to additional controls, oversight, or limitations.

(L) Matters relating to urbanization and the development of smart cities.

(2) STUDY.—The Advisory Committee shall study and assess the following:

(A) How the term ''artificial intelligence'' should be defined for purposes of this section and how the relevant scope of the Advisory Committee should be defined, including how such definitions relate to artificial systems and both narrow and general forms of artificial intelligence. In carrying out this subparagraph, the Advisory Committee shall consider the following:

''(1) The term 'artificial intelligence' includes the following:

''(A) Any artificial systems that perform tasks under varying and unpredictable circumstances, without significant human oversight, or that can learn from their experience and improve their performance. Such

systems may be developed in computer software, physical hardware, or other contexts not yet contemplated. They may solve tasks requiring human-like perception, cognition, planning, learning, communication, or physical action. In general, the more human-like the system within the context of its tasks, the more it can be said to use artificial intelligence.

''(B) Systems that think like humans, such as cognitive architectures and neural networks.

''(C) Systems that act like humans, such as systems that can pass the Turing test or other comparable test via natural language processing, knowledge representation, automated reasoning, and learning.

''(D) A set of techniques, including machine learning, that seek to approximate some cognitive task.

''(E) Systems that act rationally, such as intelligent software agents and embodied robots that achieve goals via perception, planning, reasoning, learning, communicating, decisionmaking, and acting.

''(2) The term 'artificial general intelligence' means a notional future artificial intelligence system that exhibits apparently intelligent behavior at least as advanced as a person across the range of cognitive, emotional, and social behaviors.

''(3) The term 'narrow artificial intelligence' means an artificial intelligence system that addresses specific application areas such as playing strategic games, language translation, self-driving vehicles, and facial or other image recognition.''.

(B) How to create a climate for public and private sector investment and innovation in artificial intelligence.

(C) The possible benefits and effects that the development of artificial intelligence may have on the economy, workforce, and competitiveness of the United States.

(D) Whether and how networked, automated, artificial intelligence applications and robotic devices will displace or create jobs and how any job-related gains relating to artificial intelligence can be maximized.

(E) How bias can be identified and eliminated in the development of artificial intelligence and in the algorithms that support them, including with respect to the following:

(i) The selection and processing of data used to train artificial intelligence.

(ii) Diversity in the development of artificial intelligence.

(iii) The ways and places the systems are deployed and the potential harmful outcomes.

(F) Whether and how to incorporate ethical standards in the development and implementation of artificial intelligence.

(G) How the Federal Government can encourage technological progress in implementation of artificial intelligence that benefits the full spectrum of social and economic classes.

(H) How the privacy rights of individuals are or will be affected by technological innovation relating to artificial intelligence.

(I) Whether technological advancements in artificial intelligence have or will outpace the legal and regulatory regimes implemented to protect consumers.

(J) How existing laws, including those concerning data access and privacy, should be modernized to enable the potential of artificial intelligence.

(K) How the Federal Government utilizes artificial intelligence to handle large or complex data sets.

(L) How ongoing dialogues and consultations with multi-stakeholder groups can maximize the potential of artificial intelligence and further development of artificial intelligence technologies that can benefit everyone inclusively.

(M) How the development of artificial intelligence can affect cost savings and streamline operations in various areas of government operations, including health care, cybersecurity, infrastructure, and disaster recovery.

(N) Such other matters as the Advisory Committee considers appropriate.

(3) REPORTS AND RECOMMENDATIONS.—

(A) REPORT BY ADVISORY COMMITTEE.—Not later than 540 days after the date of the enactment of this Act, the Advisory Committee shall submit to the Secretary and to Congress a report on the findings of the Advisory Committee and such recommendations as the Advisory Committee may have for administrative or legislative action relating to artificial intelligence.

(B) RECOMMENDATIONS OF SECRETARY.—Not later than 90 days after receiving the report submitted under subparagraph (A), the Secretary shall review the report and submit to Congress such recommendations as the Secretary may have with respect to the matters contained in the report submitted under subparagraph (A).

(c) MEMBERSHIP.—

(1) VOTING MEMBERS.—

(A) IN GENERAL.—The Advisory Committee shall be composed of 19 voting members who shall be appointed by the Secretary, with advisement from the Chair and Ranking Member of the Committee on Commerce, Science, and Transportation of the Senate and the Chair and Ranking Member of the Committee on Energy and Commerce of the House of Representatives, for purposes of the Advisory Committee from among individuals with expertise in matters relating to workforce development, ethics, privacy, artificial intelligence, or computer science.

(B) REPRESENTATION.—In carrying out subparagraph (A), the Secretary shall ensure that voting members are appointed as follows:

(i) Five members from the academic or research community.

(ii) Six members from private industry, at least 1 of whom shall be from a small business concern.

(iii) Six members from civil society, at least 2 of whom shall be from groups that advocate for civil liberties or civil rights.

(iv) Two members from labor organizations or groups, including those that represent the unique interests of traditionally underrepresented populations.

(C) GEOGRAPHICAL DIVERSITY.—In carrying out subparagraph (A), the Secretary shall ensure that the voting members of the Advisory Committee come from diverse geographical locations within the United States.

(2) NONVOTING MEMBERS.—The Advisory Committee shall also be composed of such nonvoting members as the Secretary considers appropriate, except that the Secretary shall appoint at least 1 such member from each of the following:

(A) The Department of Education.

(B) The Department of Justice.

(C) The Department of Labor.

(D) The Department of Transportation.

(E) The Department of Homeland Security.

(F) The Federal Trade Commission.

(G) The National Institute of Standards and Technology.

(H) The National Science Foundation.

(I) The National Science and Technology Council.

(J) The intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)).

(K) The Privacy and Civil Liberties Oversight Board.

(L) Such other nonvoting members as the voting members of the Advisory Committee consider appropriate.

(3) CHAIRPERSON.—The Secretary shall appoint a chairperson for the Advisory Committee from among the members appointed under paragraph (1).

(d) MEETINGS.—The Advisory Committee shall meet—

(1) in person no less frequently than twice each year; and

(2) via telepresence no less frequently than once every 2 months.

(e) POWERS.—In order to carry out its duties under subsection (b), the Advisory Committee may—

(1) hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Advisory Committee considers appropriate;

(2) submit to Congress such recommendations as the Advisory Committee considers appropriate;

(3) submit to Federal agencies such recommendations as the Advisory Committee considers appropriate;

(4) issue reports, guidelines, and memoranda;

(5) hold or host conferences and symposia;

(6) enter into cooperative agreements with third-party experts to obtain relevant advice or expertise, and oversee staff;

(7) establish subcommittees; and

(8) establish rules of procedure.

(f) TRAVEL EXPENSES.—The members of the Advisory Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Advisory Committee.

(g) FUNDING.—

(1) IN GENERAL.—Except as provided in paragraph (2), amounts to carry out this section shall be derived from amounts appropriated or otherwise made available to the Secretary.

(2) DONATIONS.—

(A) AUTHORIZATION.—The Advisory Committee may solicit and accept donations from private persons and non-Federal entities to carry out this section.

(B) LIMITATION.—Of the amounts expended by the Advisory Committee in a fiscal year to carry out this section, not more than half may be derived from amounts received under subparagraph (A).

SA 2255. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 320. EXTENSION OF REAL-TIME SOUND MONITORING AT NAVY INSTALLATIONS WHERE TACTICAL FIGHTER AIRCRAFT OPERATE.

Section 325(a)(1) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended by striking ''a 12-month period'' and inserting ''two 12-month periods, including one such period that begins in fiscal year 2021''.

SA 2256. Ms. CANTWELL submitted an amendment intended to be proposed

by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 806(c), add the following:

(12) Aluminum.

SA 2257. Mr. BROWN (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, add the following:

SEC. _____. REPORT ON USE OF TESTING FACILITIES TO RESEARCH AND DEVELOP HYPERSONIC TECHNOLOGY.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the costs and benefits of the use and potential refurbishment of existing operating and mothballed Federal research and testing facilities to support hypersonics activities of the Department of Defense.

SA 2258. Mr. BROWN (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title III, add the following:

SEC. 355. REPORT ON COSTS AND BENEFITS OF MAINTAINING A SPECIFIED NUMBER OF PRIMARY AIRCRAFT AUTHORIZED FOR EACH TYPE OF AIR FORCE SQUADRON.

(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 costs and benefits of maintaining a specified number of primary aircraft authorized for each type of Air Force squadron.

(b) REQUIREMENTS FOR AIR FORCE RESERVE.—The report required under subsection (a) shall specifically detail the requirements for specialty mission units of the Air Force Reserve.

SA 2259. Mr. BROWN (for himself, Mr. DURBIN, Ms. HASSAN, and Ms. WARREN) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1052. PROHIBITION ON USE BY EDUCATIONAL INSTITUTIONS OF REVENUES DERIVED FROM EDUCATIONAL ASSISTANCE FURNISHED UNDER LAWS ADMINISTERED BY SECRETARY OF DEFENSE FOR ADVERTISING, MARKETING, OR RECRUITING.

(a) IN GENERAL.—As a condition on the receipt of Department of Defense educational assistance funds, an institution of higher education, or other postsecondary educational institution, may not use revenues derived from Department of Defense educational assistance funds for advertising, recruiting, or marketing activities described in subsection (b).

(b) COVERED ACTIVITIES.—Except as provided in subsection (c), the advertising, recruiting, and marketing activities subject to subsection (a) shall include the following:

(1) Advertising and promotion activities, including paid announcements in newspapers, magazines, radio, television, billboards, electronic media, naming rights, or any other public medium of communication, including paying for displays or promotions at job fairs, military installations, or college recruiting events.

(2) Efforts to identify and attract prospective students, either directly or through a contractor or other third party, including contact concerning a prospective student's potential enrollment or application for grant, loan, or work assistance under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) or participation in preadmission or advising activities, including—

(A) paying employees responsible for overseeing enrollment and for contacting potential students in-person, by phone, by email, or by other internet communications regarding enrollment; and

(B) soliciting an individual to provide contact information to an institution of higher education, including Internet websites established for such purpose and funds paid to third parties for such purpose.

(3) Such other activities as the Secretary of Defense may prescribe, including paying for promotion or sponsorship of education or military-related associations.

(c) EXCEPTIONS.—Any activity that is required as a condition of receipt of funds by an institution under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), is specifically authorized under such title, or is otherwise specified by the Secretary of Education, shall not be considered to be a covered activity under subsection (b).

(d) DEPARTMENT OF DEFENSE EDUCATIONAL ASSISTANCE FUNDS DEFINED.—In this section, the term ''Department of Defense educational assistance funds'' means funds provided directly to an institution or to a student attending such institution under any of the following provisions of law:

(1) Chapter 101, 105, 106A, 1606, 1607, or 1608 of title 10, United States Code.

(2) Section 1784a, 2005, or 2007 of such title.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as a limitation on the use by an institution of revenues derived from sources other than Department of Defense educational assistance funds. As a condition on the receipt of Department of Defense educational assistance funds, each institution of higher education, or other postsecondary educational institution, that derives revenues from Department of Defense educational assistance funds shall submit to the Secretary of Defense and to Congress each year a report that includes the following:

(1) The institution's expenditures on advertising, marketing, and recruiting.

(2) A verification from an independent auditor that the institution is in compliance with the requirements of this subsection.

(3) A certification from the institution that the institution is in compliance with the requirements of this section.

SA 2260. Ms. ERNST submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert following:

SEC. _____. WIND TECHNICIAN TRAINING, CAREERS, AND STUDY.

(a) WIND TECHNICIAN TRAINING GRANT PROGRAM.—

(1) IN GENERAL.—Title XI of the Energy Policy Act of 2005 (42 U.S.C. 16411 et seq.) is amended by adding at the end the following:

''SEC. 1107. WIND TECHNICIAN TRAINING GRANT PROGRAM.

''(a) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means a community college or technical school that offers a wind training program.

''(b) GRANT PROGRAM.—The Secretary shall establish a program under which the Secretary shall award grants, on a competitive basis, to eligible entities to purchase large pieces of wind component equipment (such as nacelles, towers, and blades) for use in training wind technician students.

''(c) FUNDING.—Of the amounts made available to the Secretary in an appropriations Act enacted after the date of enactment of this section for administrative expenses to carry out other programs under the authority of the Secretary, the Secretary shall use to carry out this section $2,000,000 for each of fiscal years 2020 through 2025.''.

(2) CLERICAL AMENDMENT.—The table of contents for the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 601) is amended by inserting after the item relating to section 1106 the following:

''Sec. 1107. Wind technician training grant program.''.

(b) VETERANS IN WIND ENERGY.—

(1) IN GENERAL.—Title XI of the Energy Policy Act of 2005 (42 U.S.C. 16411 et seq.) (as amended by subsection (a)(1)) is amended by adding at the end the following:

''SEC. 1108. VETERANS IN WIND ENERGY.

''(a) IN GENERAL.—The Secretary shall establish a program to prepare veterans for careers in the wind energy industry that shall be modeled off of the Solar Ready Vets pilot program formerly administered by the Department of Energy and the Department of Defense.

''(b) FUNDING.—Of the amounts made available to the Secretary in an appropriations Act enacted after the date of enactment of this section for administrative expenses to carry out other programs under the authority of the Secretary, the Secretary shall use to carry out this section $2,000,000 for each of fiscal years 2020 through 2025.''.

(2) CLERICAL AMENDMENT.—The table of contents for the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 601) (as amended by subsection (a)(2)) is amended by inserting after the item relating to section 1107 the following:

''Sec. 1108. Veterans in wind energy.''.

(c) STUDY AND REPORT ON WIND TECHNICIAN WORKFORCE.—

(1) IN GENERAL.—The Secretary of Energy (referred to in this subsection as the ''Secretary'') shall convene a task force comprised of 1 or more representatives of each of the stakeholders described in paragraph (2) that shall—

(A) conduct a study to assess the needs of wind technicians in the workforce;

(B) create a comprehensive list that—

(i) lists each type of wind technician position available in the United States; and

(ii) describes the skill sets required for each type of position listed under clause (i); and

(C) not later than 1 year after the date of enactment of this Act, make publicly available and submit to Congress a report that—

(i) describes the results of that study;

(ii) includes the comprehensive list described in subparagraph (B); and

(iii) provides recommendations—

(I) for creating a credentialing program that may be administered by community colleges, technical schools, and other training institutions; and

(II) that reflect best practices for wind technician training programs, as identified by representatives of the wind industry.

(2) STAKEHOLDERS DESCRIBED.—The stakeholders referred to in paragraph (1) are—

(A) the Department of Defense;

(B) the Department of Education;

(C) the Department of Energy;

(D) the Department of Labor;

(E) the Department of Veterans Affairs;

(F) technical schools and community colleges that have wind technician training programs; and

(G) the wind industry.

(3) FUNDING.—Of the amounts made available to the Secretary in an appropriations Act enacted after the date of enactment of this Act for administrative expenses to carry out other programs under the authority of the Secretary, the Secretary shall use to carry out this subsection $500,000.

SA 2261. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the following:

SEC. _____. ESTABLISHMENT OF FEDERAL ADVISORY COMMITTEE ON THE DEVELOPMENT AND IMPLEMENTATION OF ARTIFICIAL INTELLIGENCE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of Commerce shall establish a Federal advisory committee to advise the Secretary on matters relating to the development of artificial intelligence.

(2) DESIGNATION.—The Federal advisory committee established under paragraph (1) shall be known as the ''Federal Advisory Committee on the Development and Implementation of Artificial Intelligence'' (in this section referred to as the ''Advisory Committee'').

(b) PURPOSES OF THE ADVISORY COMMITTEE.—

(1) ADVICE.—The Advisory Committee shall provide advice to the Secretary on matters relating to the development and use of artificial general intelligence and narrow artificial intelligence, including on the following as they relate to artificial intelligence:

(A) The competitiveness of the United States, including matters relating to the promotion of public and private sector investment and innovation into the development of artificial intelligence.

(B) Workforce, including matters relating to the potential for using artificial intelligence for rapid retraining of workers, due to the possible effect of technological displacement and to increase the labor force participation of traditionally underrepresented populations, including minorities, low-income populations, and persons with disabilities.

(C) Education, including matters relating to science, technology, engineering, and mathematics education to prepare the United States workforce as the needs of employers change.

(D) Ethics training and development for individuals, including both private and government technologists, working on and using artificial intelligence.

(E) Matters relating to open sharing of data and the open sharing of research on artificial intelligence.

(F) International cooperation and competitiveness, including matters relating to the competitive international landscape for artificial intelligence-related industries.

(G) Accountability and legal rights, including matters relating to the responsibility for any violations of laws by an artificial intelligence system and the compatibility of international regulations.

(H) Matters relating to machine learning bias through core cultural and societal norms.

(I) Matters relating to how artificial intelligence can serve or enhance opportunities in rural communities.

(J) Government efficiency, including matters relating to how to promote cost saving and streamline operations.

(K) Matters relating to individual civil rights, including an assessment regarding how rights are or will be affected by the use of artificial intelligence technology and whether such uses should be subject to additional controls, oversight, or limitations.

(L) Matters relating to urbanization and the development of smart cities.

(2) STUDY.—The Advisory Committee shall study and assess the following:

(A) How the term ''artificial intelligence'' should be defined for purposes of this section and how the relevant scope of the Advisory Committee should be defined, including how such definitions relate to artificial systems and both narrow and general forms of artificial intelligence. In carrying out this subparagraph, the Advisory Committee shall consider the following:

''(1) The term 'artificial intelligence' includes the following:

''(A) Any artificial systems that perform tasks under varying and unpredictable circumstances, without significant human oversight, or that can learn from their experience and improve their performance. Such systems may be developed in computer software, physical hardware, or other contexts not yet contemplated. They may solve tasks requiring human-like perception, cognition, planning, learning, communication, or physical action. In general, the more human-like the system within the context of its tasks, the more it can be said to use artificial intelligence.

''(B) Systems that think like humans, such as cognitive architectures and neural networks.

''(C) Systems that act like humans, such as systems that can pass the Turing test or other comparable test via natural language processing, knowledge representation, automated reasoning, and learning.

''(D) A set of techniques, including machine learning, that seek to approximate some cognitive task.

''(E) Systems that act rationally, such as intelligent software agents and embodied robots that achieve goals via perception, planning, reasoning, learning, communicating, decisionmaking, and acting.

''(2) The term 'artificial general intelligence' means a notional future artificial intelligence system that exhibits apparently intelligent behavior at least as advanced as a person across the range of cognitive, emotional, and social behaviors.

''(3) The term 'narrow artificial intelligence' means an artificial intelligence system that addresses specific application areas such as playing strategic games, language translation, self-driving vehicles, and facial or other image recognition.''.

(B) How to create a climate for public and private sector investment and innovation in artificial intelligence.

(C) The possible benefits and effects that the development of artificial intelligence may have on the economy, workforce, and competitiveness of the United States.

(D) Whether and how networked, automated, artificial intelligence applications and robotic devices will displace or create jobs and how any job-related gains relating to artificial intelligence can be maximized.

(E) How bias can be identified and eliminated in the development of artificial intelligence and in the algorithms that support them, including with respect to the following:

(i) The selection and processing of data used to train artificial intelligence.

(ii) Diversity in the development of artificial intelligence.

(iii) The ways and places the systems are deployed and the potential harmful outcomes.

(F) Whether and how to incorporate ethical standards in the development and implementation of artificial intelligence.

(G) How the Federal Government can encourage technological progress in implementation of artificial intelligence that benefits the full spectrum of social and economic classes.

(H) How the privacy rights of individuals are or will be affected by technological innovation relating to artificial intelligence.

(I) Whether technological advancements in artificial intelligence have or will outpace the legal and regulatory regimes implemented to protect consumers.

(J) How existing laws, including those concerning data access and privacy, should be modernized to enable the potential of artificial intelligence.

(K) How the Federal Government utilizes artificial intelligence to handle large or complex data sets.

(L) How ongoing dialogues and consultations with multi-stakeholder groups can maximize the potential of artificial intelligence and further development of artificial intelligence technologies that can benefit everyone inclusively.

(M) How the development of artificial intelligence can affect cost savings and streamline operations in various areas of government operations, including health care, cybersecurity, infrastructure, and disaster recovery.

(N) Such other matters as the Advisory Committee considers appropriate.

(3) REPORTS AND RECOMMENDATIONS.—

(A) REPORT BY ADVISORY COMMITTEE.—Not later than 540 days after the date of the enactment of this Act, the Advisory Committee shall submit to the Secretary and to Congress a report on the findings of the Advisory Committee and such recommendations as the Advisory Committee may have

for administrative or legislative action relating to artificial intelligence.

(B) RECOMMENDATIONS OF SECRETARY.—Not later than 90 days after receiving the report submitted under subparagraph (A), the Secretary shall review the report and submit to Congress such recommendations as the Secretary may have with respect to the matters contained in the report submitted under subparagraph (A).

(c) MEMBERSHIP.—

(1) VOTING MEMBERS.—

(A) IN GENERAL.—The Advisory Committee shall be composed of 19 voting members who shall be appointed by the Secretary, with advisement from the Chair and Ranking Member of the Committee on Commerce, Science, and Transportation of the Senate and the Chair and Ranking Member of the Committee on Energy and Commerce of the House of Representatives, for purposes of the Advisory Committee from among individuals with expertise in matters relating to workforce development, ethics, privacy, artificial intelligence, or computer science.

(B) REPRESENTATION.—In carrying out subparagraph (A), the Secretary shall ensure that voting members are appointed as follows:

(i) Five members from the academic or research community.

(ii) Six members from private industry, at least 1 of whom shall be from a small business concern.

(iii) Six members from civil society, at least 2 of whom shall be from groups that advocate for civil liberties or civil rights.

(iv) Two members from labor organizations or groups, including those that represent the unique interests of traditionally underrepresented populations.

(C) GEOGRAPHICAL DIVERSITY.—In carrying out subparagraph (A), the Secretary shall ensure that the voting members of the Advisory Committee come from diverse geographical locations within the United States.

(2) NONVOTING MEMBERS.—The Advisory Committee shall also be composed of such nonvoting members as the Secretary considers appropriate, except that the Secretary shall appoint at least 1 such member from each of the following:

(A) The Department of Education.

(B) The Department of Justice.

(C) The Department of Labor.

(D) The Department of Transportation.

(E) The Department of Homeland Security.

(F) The Federal Trade Commission.

(G) The National Institute of Standards and Technology.

(H) The National Science Foundation.

(I) The National Science and Technology Council.

(J) The intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)).

(K) The Privacy and Civil Liberties Oversight Board.

(L) Such other nonvoting members as the voting members of the Advisory Committee consider appropriate.

(3) CHAIRPERSON.—The Secretary shall appoint a chairperson for the Advisory Committee from among the members appointed under paragraph (1).

(d) MEETINGS.—The Advisory Committee shall meet—

(1) in person no less frequently than twice each year; and

(2) via telepresence no less frequently than once every 2 months.

(e) POWERS.—In order to carry out its duties under subsection (b), the Advisory Committee may—

(1) hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Advisory Committee considers appropriate;

(2) submit to Congress such recommendations as the Advisory Committee considers appropriate;

(3) submit to Federal agencies such recommendations as the Advisory Committee considers appropriate;

(4) issue reports, guidelines, and memoranda;

(5) hold or host conferences and symposia;

(6) enter into cooperative agreements with third-party experts to obtain relevant advice or expertise, and oversee staff;

(7) establish subcommittees; and

(8) establish rules of procedure.

(f) TRAVEL EXPENSES.—The members of the Advisory Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Advisory Committee.

(g) FUNDING.—

(1) IN GENERAL.—Except as provided in paragraph (2), amounts to carry out this section shall be derived from amounts appropriated or otherwise made available to the Secretary.

(2) DONATIONS.—

(A) AUTHORIZATION.—The Advisory Committee may solicit and accept donations from private persons and non-Federal entities to carry out this section.

(B) LIMITATION.—Of the amounts expended by the Advisory Committee in a fiscal year to carry out this section, not more than half may be derived from amounts received under subparagraph (A).

SA 2262. Mr. CASSIDY (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 10___. OFFICE OF TECHNOLOGY TRANSITIONS.

Section 1001 of the Energy Policy Act of 2005 (42 U.S.C. 16391) is amended—

(1) by striking subsection (a) and all that follows through ''The Coordinator'' in subsection (b) and inserting the following:

''(a) OFFICE OF TECHNOLOGY TRANSITIONS.—

''(1) ESTABLISHMENT.—There is established within the Department an Office of Technology Transitions (referred to in this section as the 'Office').

''(2) MISSION.—The mission of the Office shall be—

''(A) to expand the commercial impact of the research investments of the Department; and

''(B) to focus on commercializing technologies that reduce greenhouse gas emissions and technologies that support other missions of the Department.

''(3) GOALS.—

''(A) IN GENERAL.—In carrying out the mission and activities of the Office, the Chief Commercialization Officer appointed under paragraph (4) shall, with respect to commercialization activities, meet not less than two of the goals described in subparagraph (B) and, to the maximum extent practicable, meet all of the goals described in that subparagraph.

''(B) GOALS DESCRIBED.—The goals referred to in subparagraph (A) are the following:

''(i) Reduction of greenhouse gas emissions.

''(ii) Ensuring economic competitiveness.

''(iii) Enhancement of domestic energy security and national security.

''(iv) Enhancement of domestic jobs.

''(v) Any other missions of the Department, as determined by the Secretary.

''(4) CHIEF COMMERCIALIZATION OFFICER.—

''(A) IN GENERAL.—The Office shall be headed by an officer, who shall be known as the 'Chief Commercialization Officer', and who shall report directly to, and be appointed by, the Secretary.

''(B) PRINCIPAL ADVISOR.—The Chief Commercialization Officer shall be the principal advisor to the Secretary on all matters relating to technology transfer and commercialization.

''(C) QUALIFICATIONS.—The Chief Commercialization Officer'';

(2) in subsection (c)—

(A) in paragraph (1), by striking ''subsection (d)'' and inserting ''subsection (b)'';

(B) by redesignating paragraphs (1) through (4) as clauses (i) through (iv), respectively, and indenting appropriately; and

(C) by striking the subsection designation and heading and all that follows through ''The Coordinator'' in the matter preceding clause (i) (as so redesignated) and inserting the following:

''(D) DUTIES.—The Chief Commercialization Officer'';

(3) by adding at the end of subsection (a) (as amended by paragraph (2)(C)) the following:

''(5) COORDINATION.—In carrying out the mission and activities of the Office, the Chief Commercialization Officer shall coordinate with the senior leadership of the Department, other relevant program offices of the Department, National Laboratories, the Technology Transfer Working Group established under subsection (b), the Technology Transfer Policy Board, and other stakeholders (including private industry).'';

(4) by redesignating subsections (d) through (h) as subsections (b) through (f), respectively; and

(5) in subsection (f) (as so redesignated), by striking ''subsection (e)'' and inserting ''subsection (c)''.

SEC. 10___. REVIEW OF APPLIED ENERGY PROGRAMS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Energy (referred to in this section as the ''Secretary'') shall conduct a review of all applied energy research and development programs under the Department of Energy (referred to in this section as the ''Department'') that focus on researching and developing technologies that reduce emissions.

(b) REQUIREMENTS.—In conducting the review under subsection (a), the Secretary shall—

(1) identify each program described in that subsection the mission of which is to research and develop technologies that reduce emissions;

(2) determine the type of services provided by each program identified under paragraph (1), such as grants and technical assistance;

(3) determine whether there are written program goals for each program identified under paragraph (1);

(4) examine the extent to which the programs identified under paragraph (1) overlap or are duplicative; and

(5) develop recommendations—

(A) as to how any overlapping or duplicative programs identified under paragraph (4) should be restructured or consolidated, including by any necessary legislation;

(B) as to how to identify technologies described in paragraph (1) that—

(i) are not served by a single program office at the Department; or

(ii) the research and development of which may require collaboration with other Federal agencies; and

(C) for methods to improve the programs identified under paragraph (1), including by establishing program goals, assessing workforce considerations and technical skills, or increasing collaboration with other Federal agencies and stakeholders (including private industry).

(c) REPORT.—Not later than 60 days after the Secretary completes the review under subsection (a), the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committees on Science, Space, and Technology and Energy and Commerce of the House of Representatives a report describing the results of and the recommendations developed under the review.

SA 2263. Mr. CASSIDY submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 10_____. SMALL SCALE LNG ACCESS.

Section 3 of the Natural Gas Act (15 U.S.C. 717b) is amended by striking subsection (c) and inserting the following:

''(c) EXPEDITED APPLICATION AND APPROVAL PROCESS.—

''(1) IN GENERAL.—For purposes of subsection (a), the following shall be deemed to be consistent with the public interest, and applications for such importation or exportation shall be granted without modification or delay:

''(A) The importation of the natural gas referred to in subsection (b).

''(B) Subject to the last sentence of subsection (a), the exportation of natural gas in a volume up to and including 51,750,000,000 cubic feet per year.

''(C) The exportation of natural gas to a nation with which there is in effect a free trade agreement requiring national treatment for trade in natural gas.

''(2) EXCLUSION.—Subparagraphs (B) and (C) of paragraph (1) shall not apply to any nation subject to sanctions imposed by the United States.''.

SA 2264. Mr. CASSIDY submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 10____. NATURAL GAS CARBON CAPTURE RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROGRAM.

(a) IN GENERAL.—Subtitle F of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16291 et seq.) is amended by adding at the end the following:

''SEC. 969. NATURAL GAS CARBON CAPTURE RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) COMMERCIALLY VIABLE TECHNOLOGY.—The term 'commercially viable technology' means technology that has the potential to be successfully deployed and compete effectively in the marketplace at an appropriate size or scale.

''(2) ELIGIBLE ENTITY.—The term 'eligible entity' means an entity that documents to the satisfaction of the Secretary that—

''(A) the entity is financially responsible; and

''(B) the entity will provide sufficient information to the Secretary to enable the Secretary to ensure that any funds awarded to the entity are spent efficiently and effectively.

''(3) NATURAL GAS.—The term 'natural gas' means any fuel consisting in whole or in part of—

''(A) natural gas;

''(B) liquid petroleum gas;

''(C) synthetic gas derived from petroleum or natural gas liquids;

''(D) any mixture of natural gas and synthetic gas; or

''(E) biomethane.

''(4) NATURAL GAS-GENERATED POWER.—The term 'natural gas-generated power' means—

''(A) electric energy generated through the use of natural gas; and

''(B) the generation of hydrogen from natural gas.

''(5) PROGRAM.—The term 'program' means the program established under subsection (b)(1).

''(6) QUALIFYING ELECTRIC GENERATION FACILITY.—

''(A) IN GENERAL.—The term 'qualifying electric generation facility' means a facility that generates electric energy using natural gas as the fuel.

''(B) INCLUSIONS.—The term 'qualifying electric generation facility' includes a new or existing—

''(i) simple cycle plant;

''(ii) combined cycle plant;

''(iii) combined heat and power plant;

''(iv) steam methane reformer that produces hydrogen from natural gas for use in the production of electric energy; or

''(v) facility that uses natural gas as the fuel for generating electric energy.

''(7) QUALIFYING TECHNOLOGY.—The term 'qualifying technology' means any commercially viable technology, as determined by the Secretary, for the capture of carbon dioxide produced during the generation of natural gas-generated power.

''(b) ESTABLISHMENT OF RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROGRAM.—

''(1) IN GENERAL.—The Secretary shall establish a program of research, development, and demonstration of qualifying technologies for use by qualifying electric generation facilities.

''(2) OBJECTIVES.—The objectives of the program shall be—

''(A) to identify opportunities to accelerate the development and commercial applications of qualifying technologies to reduce the quantity of carbon dioxide emissions released from qualifying electric generation facilities;

''(B) to enter into cooperative agreements with eligible entities to expedite and carry out demonstration projects (including pilot projects) for qualifying technologies for use by qualifying electric generation facilities to demonstrate the technical and commercial viability of those qualifying technologies for commercial deployment; and

''(C) to identify any barriers to the commercial deployment of any qualifying technologies under development.

''(3) PARTICIPATION OF NATIONAL LABORATORIES, UNIVERSITIES, AND RESEARCH FACILITIES.—The program may include the participation of—

''(A) National Laboratories;

''(B) institutions of higher education;

''(C) research facilities; or

''(D) other appropriate entities.

''(4) COOPERATIVE AGREEMENTS.—

''(A) IN GENERAL.—In carrying out the program, the Secretary may enter into cooperative agreements with eligible entities to carry out research, development, and demonstration projects for qualifying technologies.

''(B) APPLICATIONS; PROPOSALS.—An eligible entity desiring to enter into a cooperative agreement under this paragraph shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(c) CARBON CAPTURE FACILITIES DEMONSTRATION PROGRAM.—

''(1) ESTABLISHMENT.—As part of the program, the Secretary shall establish a demonstration program under which the Secretary shall enter into cooperative agreements with eligible entities for demonstration or pilot projects to license, permit, construct, and operate, by not later than September 30, 2025, 3 or more facilities to capture carbon dioxide from qualifying electric generation facilities.

''(2) GOALS.—Each demonstration or pilot project under the demonstration program shall—

''(A) be designed to further the development of qualifying technologies that may be used by a qualifying electric generation facility;

''(B) be financed in part by the private sector;

''(C) if necessary, secure agreements for the offtake of the majority of the carbon dioxide emissions captured by qualifying technologies during the project; and

''(D) support energy production in the United States.

''(3) REQUEST FOR APPLICATIONS.—Not later than 120 days after the date of enactment of this section, the Secretary shall solicit applications for cooperative agreements for projects—

''(A) to demonstrate qualifying technologies at 3 or more qualifying electric generation facilities;

''(B) to obtain any license or permit from a State or Federal agency that is necessary for the construction of 3 or more facilities to capture carbon dioxide from a qualifying electric generation facility; and

''(C) to construct and operate 3 or more facilities to capture carbon dioxide from a qualifying electric generation facility.

''(4) REVIEW OF APPLICATIONS.—In reviewing applications submitted under paragraph (3), the Secretary, to the maximum extent practicable, shall—

''(A) ensure a broad geographic distribution of project sites;

''(B) ensure that a broad selection of qualifying electric generation facilities are represented;

''(C) ensure that a broad selection of qualifying technologies are represented; and

''(D) leverage existing—

''(i) public-private partnerships; and

''(ii) Federal resources.

''(d) COST SHARING.—In carrying out this section, the Secretary shall require cost sharing in accordance with section 988.

''(e) FEE TITLE.—The Secretary may vest fee title or other property interests acquired under cooperative agreements entered into under subsection (b)(4) in any entity, including the United States.

''(f) REPORT.—Not later than 180 days after the date on which the Secretary solicits applications under subsection (c)(3), and annually thereafter, the Secretary shall submit to the appropriate committees of jurisdiction of the Senate and the House of Representatives a report that—

''(1) with respect to subsections (b) and (c), includes recommendations for any legislative changes needed to improve the implementation of those subsections;

''(2) with respect to subsection (b), includes—

''(A) a detailed description of how applications for cooperative agreements under paragraph (4) of that subsection will be solicited and evaluated, including—

''(i) a list of any activities carried out by the Secretary to solicit or evaluate applications; and

''(ii) a process for ensuring that any projects carried out under a cooperative agreement are designed to result in the development or demonstration of qualifying technologies;

''(B) a detailed list of technical milestones for each qualifying technology pursued under that subsection;

''(C) a detailed description of how each project carried out pursuant to a cooperative agreement under paragraph (4) of that subsection will meet the milestones for carbon capture described in the September 2017 report of the Office of Fossil Energy entitled 'Accelerating Breakthrough Innovation in Carbon Capture, Utilization, and Storage'; and

''(D) an affirmation from the Secretary that all recipients of funding under that subsection are eligible entities; and

''(3) with respect to the demonstration program established under subsection (c), includes—

''(A) an estimate of the cost of licensing, permitting, constructing, and operating each carbon capture facility expected to be constructed under that demonstration program;

''(B) a schedule for—

''(i) obtaining any license or permit necessary to construct and operate each carbon capture facility expected to be constructed; and

''(ii) constructing each facility; and

''(C) an estimate of any financial assistance, compensation, or incentives proposed to be paid by the host State, Indian Tribe, or local government with respect to each facility.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $50,000,000 for each of fiscal years 2020 through 2025.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 600) is amended by inserting after the item relating to section 968 the following:

''Sec. 969. Natural gas carbon capture research, development, and demonstration program.''.

SA 2265. Mr. CASSIDY submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1085. STUDIES ON USE OF EMERGING TECHNOLOGIES BY U.S. CUSTOMS AND BORDER PROTECTION AND DEPARTMENT OF ENERGY.

(a) STUDY.—The head of each covered agency shall carry out a study, in consultation with appropriate private sector stakeholders and the heads of other Federal agencies, with respect to—

(1) the status of implementation and internal use of emerging technologies, including blockchain technology and other innovative technologies, within the agency;

(2) how applications of blockchain technology, cloud and edge computing, and other innovative technologies can—

(A) make the data analysis of the agency more efficient and effective; and

(B) be used to support strategic initiatives of the agency; and

(3) in the case of U.S. Customs and Border Protection, how blockchain technology, cloud and edge computing, and other innovative technologies can be further leveraged to improve the informed compliance model of the agency and enhance the transparency of supply chains.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the head of each covered agency shall submit to the appropriate congressional committees a report to containing—

(1) all findings and determinations made in carrying out the study required under subsection (a); and

(2) any recommendations identified in carrying out the study for using blockchain technology and other innovative technologies with respect to United States efforts—

(A) to combat money laundering and other forms of illicit finance; and

(B) to detect and deter trade-based money laundering, the distribution of counterfeit goods, and goods made with convict labor, forced labor, or indentured labor.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) with respect to U.S. Customs and Border Protection, the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives; and

(B) with respect to the Department of Energy, the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives.

(2) COVERED AGENCY.—The term ''covered agency'' means U.S. Customs and Border Protection and the Department of Energy.

(3) INFORMED COMPLIANCE MODEL.—The term ''informed compliance model'' means a model based on shared responsibility between U.S. Customs and Border Protection and importers under which—

(A) U.S. Customs and Border Protection effectively communicates its requirements to importers; and

(B) importers conduct their activities in accordance with those requirements and the statutes and regulations of the United States.

SA 2266. Mr. CASSIDY submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the following:

SEC. 10___. ADDRESSING INSUFFICIENT COMPENSATION OF EMPLOYEES AND OTHER PERSONNEL OF THE FEDERAL ENERGY REGULATORY COMMISSION.

(a) IN GENERAL.—Section 401 of the Department of Energy Organization Act (42 U.S.C. 7171) is amended by adding at the end the following:

''(k) ADDRESSING INSUFFICIENT COMPENSATION OF EMPLOYEES AND OTHER PERSONNEL OF THE COMMISSION.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, if the Chairman publicly certifies that compensation for a category of employees or other personnel of the Commission is insufficient to retain or attract employees and other personnel to allow the Commission to carry out the functions of the Commission in a timely, efficient, and effective manner, the Chairman may fix the compensation for the category of employees or other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, or any other civil service law.

''(2) CERTIFICATION REQUIREMENTS.—A certification issued under paragraph (1) shall—

''(A) apply with respect to a category of employees or other personnel responsible for conducting work of a scientific, technological, engineering, or mathematical nature;

''(B) specify a maximum amount of reasonable compensation for the category of employees or other personnel;

''(C) be valid for a 5-year period beginning on the date on which the certification is issued;

''(D) be no broader than necessary to achieve the objective of retaining or attracting employees and other personnel to allow the Commission to carry out the functions of the Commission in a timely, efficient, and effective manner; and

''(E) include an explanation for why the other approaches available to the Chairman for retaining and attracting employees and other personnel are inadequate.

''(3) RENEWAL.—

''(A) IN GENERAL.—Not later than 90 days before the date of expiration of a certification issued under paragraph (1), the Chairman shall determine whether the certification should be renewed for a subsequent 5-year period.

''(B) REQUIREMENT.—If the Chairman determines that a certification should be renewed under subparagraph (A), the Chairman may renew the certification, subject to the certification requirements under paragraph (2) that were applicable to the initial certification.

''(4) NEW HIRES.—

''(A) IN GENERAL.—An employee or other personnel that is a member of a category of employees or other personnel that would have been covered by a certification issued under paragraph (1), but was hired during a period in which the certification has expired and has not been renewed under paragraph (3) shall not be eligible for compensation at the level that would have applied to the employee or other personnel if the certification had been in effect on the date on which the employee or other personnel was hired.

''(B) COMPENSATION OF NEW HIRES ON RENEWAL.—On renewal of a certification under paragraph (3), the Chairman may fix the compensation of the employees or other personnel described in subparagraph (A) at the level established for the category of employees or other personnel in the certification.

''(5) RETENTION OF LEVEL OF FIXED COMPENSATION.—A category of employees or other personnel, the compensation of which

was fixed by the Chairman in accordance with paragraph (1), may, at the discretion of the Chairman, have the level of fixed compensation for the category of employees or other personnel retained, regardless of whether a certification described under that paragraph is in effect with respect to the compensation of the category of employees or other personnel.

''(6) CONSULTATION REQUIRED.—The Chairman shall consult with the Director of the Office of Personnel Management in implementing this subsection, including in the determination of the amount of compensation with respect to each category of employees or other personnel.

''(7) EXPERTS AND CONSULTANTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Chairman may—

''(i) obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code;

''(ii) compensate those experts and consultants for each day (including travel time) at rates not in excess of the rate of pay for level IV of the Executive Schedule under section 5315 of that title; and

''(iii) pay to the experts and consultants serving away from the homes or regular places of business of the experts and consultants travel expenses and per diem in lieu of subsistence at rates authorized by sections 5702 and 5703 of that title for persons in Government service employed intermittently.

''(B) LIMITATIONS.—The Chairman shall—

''(i) to the maximum extent practicable, limit the use of experts and consultants pursuant to subparagraph (A); and

''(ii) ensure that the employment contract of each expert and consultant employed pursuant to subparagraph (A) is subject to renewal not less frequently than annually.''.

(b) REPORTS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and every 2 years thereafter for 10 years, the Chairman of the Federal Energy Regulatory Commission shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on information relating to hiring, vacancies, and compensation at the Federal Energy Regulatory Commission.

(2) INCLUSIONS.—Each report under paragraph (1) shall include—

(A) an analysis of any trends with respect to hiring, vacancies, and compensation at the Federal Energy Regulatory Commission; and

(B) a description of the efforts to retain and attract employees or other personnel responsible for conducting work of a scientific, technological, engineering, or mathematical nature at the Federal Energy Regulatory Commission.

(c) APPLICABILITY.—The amendment made by subsection (a) shall apply beginning on the date that is 30 days after the date of enactment of this Act.

SA 2267. Ms. ROSEN (for herself and Mr. DAINES) submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. VETERAN SMALL BUSINESS START-UP CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 45U. VETERAN SMALL BUSINESS START-UP CREDIT.

''(a) IN GENERAL.—For purposes of section 38, in the case of an applicable veteran-owned business which elects the application of this section, the veteran small business start-up credit determined under this section for any taxable year is an amount equal to 15 percent of so much of the qualified start-up expenditures of the taxpayer as does not exceed $50,000.

''(b) APPLICABLE VETERAN-OWNED SMALL BUSINESS.—For purposes of this section—

''(1) IN GENERAL.—The term 'applicable veteran-owned small business' means a small business owned and controlled by one or more veterans or spouses of veterans and the principal place of business of which is in an underserved community.

''(2) OWNERSHIP AND CONTROL.—The term 'owned and controlled' means—

''(A) management and operation of the daily business, and—

''(B)(i) in the case of a sole proprietorship, sole ownership,

''(ii) in the case of a corporation, ownership (by vote or value) of not less than 51 percent of the stock in such corporation, or

''(iii) in the case of a partnership or joint venture, ownership of not less than 51 percent of the profits interests or capital interests in such partnership or joint venture.

''(3) SMALL BUSINESS.—The term 'small business' means, with respect to any taxable year, any person engaged in a trade or business in the United States which is a small business concern (as defined under section 3 of the Small Business Act (15 U.S.C. 632)).

''(4) UNDERSERVED COMMUNITY.—The term 'underserved community' means any area located within—

''(A) a HUBZone (as defined in section 3(p) of the Small Business Act (15 U.S.C. 632(p))),

''(B) an empowerment zone, or enterprise community, designated under section 1391 (and without regard to whether or not such designation remains in effect),

''(C) an area of low income or moderate income (as recognized by the Federal Financial Institutions Examination Council), or

''(D) a county with persistent poverty (as classified by the Economic Research Service of the Department of Agriculture).

''(5) VETERAN OR SPOUSE OF VETERAN.—The term 'veteran or spouse of a veteran' has the meaning given such term by section 7(a)(31)(G)(iii) of the Small Business Act (15 U.S.C. 636(a)(31)(G)(iii)).

''(c) QUALIFIED START-UP EXPENDITURES.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified start-up expenditures' means—

''(A) any start-up expenditures (as defined in section 195(c)), or

''(B) any amounts paid or incurred during the taxable year for the purchase or lease of real property, or the purchase of personal property, placed in service during the taxable year and used in the active conduct of a trade or business.

''(d) SPECIAL RULES.—For purposes of this section—

''(1) YEAR OF ELECTION.—The taxpayer may elect the application of this section only for the first 2 taxable years for which ordinary and necessary expenses paid or incurred in carrying on such trade or business are allowable as a deduction by the taxpayer under section 162.

''(2) CONTROLLED GROUPS AND COMMON CONTROL.—All persons treated as a single employer under subsections (a) and (b) of section 52 shall be treated as 1 person.

''(3) NO DOUBLE BENEFIT.—If a credit is determined under this section with respect to any property, the basis of such property shall be reduced by the amount of the credit attributable to such property.''.

(b) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

''Sec. 45U. Veteran small business start-up credit.''.

(c) MADE PART OF GENERAL BUSINESS CREDIT.—Section 38(b) of such Code is amended by striking ''plus'' at the end of paragraph (32), by striking the period at the end of paragraph (33) and inserting '', plus'', and by adding at the end the following new paragraph:

''(34) the veteran small business start-up credit determined under section 45U.''.

(d) REPORT BY TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION.—Every fourth year after the date of the enactment of this Act, the Treasury Inspector General for Tax Administration shall include in one of the semiannual reports under section 5 of the Inspector General Act of 1978 with respect to such year, an evaluation of the program under section 45U of the Internal Revenue Code of 1986 (as added by this section), including an evaluation of the success of, and accountability with respect to, such program.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SA 2268. Ms. HIRONO (for herself and Mr. SULLIVAN) submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. SENSE OF CONGRESS ON THE DEDICATED SERVICE OF FILIPINO WORLD WAR II VETERANS AND REUNIFICATION WITH THEIR CHILDREN.

It is the sense of Congress that—

(1) the dedicated service of Filipino World War II veterans should be recognized; and

(2) the Filipino World War II veterans who were naturalized under section 405 of the Immigration Act of 1990 (Public Law 101–649; 8 U.S.C. 1440 note) or title III of the Nationality Act of 1940 (54 Stat. 1137; chapter 876), as added by section 1001 of the Second War Powers Act, 1942 (56 Stat. 182; chapter 199), should be reunited with their children.

SA 2269. Ms. HIRONO (for herself and Mr. SULLIVAN) submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REPORT ON IMPACT OF CHILDREN OF CERTAIN FILIPINO WORLD WAR II VETERANS ON NATIONAL SECURITY, FOREIGN POLICY, AND ECONOMIC AND HUMANITARIAN INTERESTS OF THE UNITED STATES.

(a) IN GENERAL.—Not later than December 31, 2020, the Secretary of Homeland Security, in consultation with the Secretary of Defense and the Secretary of State, shall submit to the congressional defense committees a report on the impact of the children of certain Filipino World War II veterans on the national security, foreign policy, and economic and humanitarian interests of the United States.

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

(1) The number of Filipino World War II veterans who fought under the United States flag during World War II to protect and defend the United States in the Pacific theater.

(2) The number of Filipino World War II veterans who died fighting under the United States flag during World War II to protect and defend the United States in the Pacific theater.

(3) An assessment of the economic and tax contributions that Filipino World War II veterans and their families have made to the United States.

(4) An assessment of the impact on the United States of exempting from the numerical limitations on immigrant visas the children of the Filipino World War II veterans who were naturalized under—

(A) section 405 of the Immigration Act of 1990 (Public Law 101–649; 8 U.S.C. 1440 note); or

(B) title III of the Nationality Act of 1940 (54 Stat. 1137; chapter 876), as added by section 1001 of the Second War Powers Act, 1942 (56 Stat. 182; chapter 199).

SA 2270. Mr. MENENDEZ (for himself, Mr. RUBIO, and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle H—Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act

SEC. 1291. SHORT TITLE.

This subtitle may be cited as the ''Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act''.

SEC. 1292. ASSISTANCE FOR UNITED STATES NATIONALS UNLAWFULLY OR WRONGFULLY DETAINED ABROAD.

(a) REVIEW.—The Secretary of State shall review the cases of United States nationals detained abroad to determine if there is credible information that they are being detained unlawfully or wrongfully, based on criteria which may include whether—

(1) United States officials receive or possess credible information indicating innocence of the detained individual;

(2) the individual is being detained solely or substantially because he or she is a United States national;

(3) the individual is being detained solely or substantially to influence United States Government policy or to secure economic or political concessions from the United States Government;

(4) the detention appears to be because the individual sought to obtain, exercise, defend, or promote freedom of the press, freedom of religion, or the right to peacefully assemble;

(5) the individual is being detained in violation of the laws of the detaining country;

(6) independent nongovernmental organizations or journalists have raised legitimate questions about the innocence of the detained individual;

(7) the United States mission in the country where the individual is being detained has received credible reports that the detention is a pretext for an illegitimate purpose;

(8) the individual is detained in a country where the Department of State has determined in its annual human rights reports that the judicial system is not independent or impartial, is susceptible to corruption, or is incapable of rendering just verdicts;

(9) the individual is being detained in inhumane conditions;

(10) due process of law has been sufficiently impaired so as to render the detention arbitrary; and

(11) United States diplomatic engagement is likely necessary to secure the release of the detained individual.

(b) REFERRALS TO THE SPECIAL ENVOY.—Upon a determination by the Secretary of State, based on the totality of the circumstances, that there is credible information that the detention of a United States national abroad is unlawful or wrongful, and regardless of whether the detention is by a foreign government or a nongovernmental actor, the Secretary shall transfer responsibility for such case from the Bureau of Consular Affairs of the Department of State to the Special Envoy for Hostage Affairs created pursuant to section 1293.

(c) REPORT.—

(1) ANNUAL REPORT.—

(A) IN GENERAL.—The Secretary of State shall submit to the appropriate congressional committees an annual report with respect to United States nationals for whom the Secretary determines there is credible information of unlawful or wrongful detention abroad.

(B) FORM.—The report required under this paragraph shall be submitted in unclassified form, but may include a classified annex if necessary.

(2) COMPOSITION.—The report required under paragraph (1) shall include current estimates of the number of individuals so detained, as well as relevant information about particular cases, such as—

(A) the name of the individual, unless the provision of such information is inconsistent with section 552a of title 5, United States Code (commonly known as the ''Privacy Act of 1974'');

(B) basic facts about the case;

(C) a summary of the information that such individual may be detained unlawfully or wrongfully;

(D) a description of specific efforts, legal and diplomatic, taken on behalf of the individual since the last reporting period, including a description of accomplishments and setbacks; and

(E) a description of intended next steps.

(d) RESOURCE GUIDANCE.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act and after consulting with relevant organizations that advocate on behalf of United States nationals detained abroad and the Family Engagement Coordinator established pursuant to section 1294(c)(2), the Secretary of State shall provide resource guidance in writing for government officials and families of unjustly or wrongfully detained individuals.

(2) CONTENT.—The resource guidance required under paragraph (1) should include—

(A) information to help families understand United States policy concerning the release of United States nationals unlawfully or wrongfully held abroad;

(B) contact information for officials in the Department of State or other government agencies suited to answer family questions;

(C) relevant information about options available to help families obtain the release of unjustly or wrongfully detained individuals, such as guidance on how families may engage with United States diplomatic and consular channels to ensure prompt and regular access for the detained individual to legal counsel, family members, humane treatment, and other services;

(D) guidance on submitting public or private letters from members of Congress or other individuals who may be influential in securing the release of an individual; and

(E) appropriate points of contacts, such as legal resources and counseling services, who have a record of assisting victims' families.

SEC. 1293. SPECIAL ENVOY FOR HOSTAGE AFFAIRS.

(a) ESTABLISHMENT.—There shall be a Special Presidential Envoy for Hostage Affairs, appointed by the President, who shall report to the Secretary of State.

(b) RANK.—The Special Envoy shall have the rank and status of ambassador.

(c) RESPONSIBILITIES.—The Special Presidential Envoy for Hostage Affairs shall—

(1) lead diplomatic engagement on United States hostage policy;

(2) coordinate all diplomatic engagements and strategy in support of hostage recovery efforts, in coordination with the Hostage Recovery Fusion Cell and consistent with policy guidance communicated through the Hostage Response Group;

(3) in coordination with the Hostage Recovery Fusion Cell as appropriate, coordinate diplomatic engagements regarding cases in which a foreign government has detained a United States national and the United States Government regards such detention as unlawful or wrongful;

(4) provide senior representation from the Special Envoy's office to the Hostage Recovery Fusion Cell established under section 1294 and the Hostage Response Group established under section 1295; and

(5) ensure that families of United States nationals unlawfully or wrongly detained abroad receive updated information about developments in cases and government policy.

SEC. 1294. HOSTAGE RECOVERY FUSION CELL.

(a) ESTABLISHMENT.—The President shall establish an interagency Hostage Recovery Fusion Cell.

(b) PARTICIPATION.—The President shall direct the heads of each of the following executive departments, agencies, and offices to make available personnel to participate in the Hostage Recovery Fusion Cell:

(1) The Department of State.

(2) The Department of the Treasury.

(3) The Department of Defense.

(4) The Department of Justice.

(5) The Office of the Director of National Intelligence.

(6) The Federal Bureau of Investigation.

(7) The Central Intelligence Agency.

(8) Other agencies as the President, from time to time, may designate.

(c) PERSONNEL.—The Hostage Recovery Fusion Cell shall include—

(1) a Director, who shall be a full-time senior officer or employee of the United States Government;

(2) a Family Engagement Coordinator who shall—

(A) work to ensure that all interactions by executive branch officials with a hostage's family occur in a coordinated fashion and that the family receives consistent and accurate information from the United States Government; and

(B) if directed, perform the same function as set out in subparagraph (A) with regard to the family of a United States national who is unlawfully or wrongfully detained abroad; and

(3) other officers and employees as deemed appropriate by the President.

(d) DUTIES.—The Hostage Recovery Fusion Cell shall—

(1) coordinate efforts by participating agencies to ensure that all relevant information, expertise, and resources are brought to bear to secure the safe recovery of United States nationals held hostage abroad;

(2) if directed, coordinate the United States Government's response to other hostage-takings occurring abroad in which the United States has a national interest;

(3) if directed, coordinate or assist the United States Government's response to help secure the release of United States nationals unlawfully or wrongfully detained abroad; and

(4) pursuant to policy guidance coordinated through the National Security Council—

(A) identify and recommend hostage recovery options and strategies to the President through the National Security Council or the Deputies Committee of the National Security Council;

(B) coordinate efforts by participating agencies to ensure that information regarding hostage events, including potential recovery options and engagements with families and external actors (including foreign governments), is appropriately shared within the United States Government to facilitate a coordinated response to a hostage-taking;

(C) assess and track all hostage-takings of United States nationals abroad and provide regular reports to the President and Congress on the status of such cases and any measures being taken toward the hostages' safe recovery;

(D) provide a forum for intelligence sharing and, with the support of the Director of National Intelligence, coordinate the declassification of relevant information;

(E) coordinate efforts by participating agencies to provide appropriate support and assistance to hostages and their families in a coordinated and consistent manner and to provide families with timely information regarding significant events in their cases;

(F) make recommendations to agencies in order to reduce the likelihood of United States nationals' being taken hostage abroad and enhance United States Government preparation to maximize the probability of a favorable outcome following a hostage-taking; and

(G) coordinate with agencies regarding congressional, media, and other public inquiries pertaining to hostage events.

(e) ADMINISTRATION.—The Hostage Recovery Fusion Cell shall be located within the Federal Bureau of Investigation for administrative purposes.

SEC. 1295. HOSTAGE RESPONSE GROUP.

(a) ESTABLISHMENT.—The President shall establish a Hostage Response Group, chaired by a designated member of the National Security Council or the Deputies Committee of the National Security Council, to be convened on a regular basis, to further the safe recovery of United States nationals held hostage abroad or unlawfully or wrongfully detained abroad, and to be tasked with coordinating the United States Government response to other hostage-takings occurring abroad in which the United States has a national interest.

(b) MEMBERSHIP.—The regular members of the Hostage Response Group shall include the Director of the Hostage Recovery Fusion Cell, the Hostage Recovery Fusion Cell's Family Engagement Coordinator, the Special Envoy appointed pursuant to section 1293, and representatives from the Department of the Treasury, the Department of Defense, the Department of Justice, the Federal Bureau of Investigation, the Office of the Director of National Intelligence, the Central Intelligence Agency, and other agencies as the President, from time to time, may designate.

(c) DUTIES.—The Hostage Recovery Group shall—

(1) identify and recommend hostage recovery options and strategies to the President through the National Security Council;

(2) coordinate the development and implementation of United States hostage recovery policies, strategies, and procedures;

(3) receive regular updates from the Hostage Recovery Fusion Cell and the Special Envoy for Hostage Affairs on the status of United States nationals being held hostage or unlawfully or wrongfully detained abroad and measures being taken to effect safe recoveries;

(4) coordinate the provision of policy guidance to the Hostage Recovery Fusion Cell, including reviewing recovery options proposed by the Hostage Recovery Fusion Cell and working to resolve disputes within the Hostage Recovery Fusion Cell;

(5) as appropriate, direct the use of resources at the Hostage Recovery Fusion Cell to coordinate or assist in the safe recovery of United States nationals unlawfully or wrongfully detained abroad; and

(6) as appropriate, direct the use of resources at the Hostage Recovery Fusion Cell to coordinate the United States Government response to other hostage-takings occurring abroad in which the United States has a national interest.

(d) MEETINGS.—The Hostage Response Group shall meet regularly.

(e) REPORTING.—The Hostage Response Group shall regularly provide recommendations on hostage recovery options and strategies to the National Security Council.

SEC. 1296. AUTHORIZATION OF IMPOSITION OF SANCTIONS.

(a) IN GENERAL.—The President may impose the sanctions described in subsection (b) with respect to any foreign person the President determines, based on credible evidence—

(1) is responsible for or is complicit in, or responsible for ordering, controlling, or otherwise directing, the hostage-taking of a United States national abroad or the unlawful or wrongful detention of a United States national abroad; or

(2) knowingly provides financial, material, or technological support for, or goods or services in support of, an activity described in paragraph (1).

(b) SANCTIONS DESCRIBED.—The sanctions described in this subsection are the following:

(1) INELIGIBILITY FOR VISAS, ADMISSION, OR PAROLE.—

(A) VISAS, ADMISSION, OR PAROLE.—An alien described in subsection (a) may be—

(i) inadmissible to the United States;

(ii) ineligible to receive a visa or other documentation to enter the United States; and

(iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(B) CURRENT VISAS REVOKED.—

(i) IN GENERAL.—An alien described in subsection (a) may be subject to revocation of any visa or other entry documentation regardless of when the visa or other entry documentation is or was issued.

(ii) IMMEDIATE EFFECT.—A revocation under clause (i) may—

(I) take effect immediately; and

(II) cancel any other valid visa or entry documentation that is in the alien's possession.

(2) BLOCKING OF PROPERTY.—

(A) IN GENERAL.—The President may exercise all of the powers granted to the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), to the extent necessary to block and prohibit all transactions in property and interests in property of a foreign person described in subsection (a) 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.

(B) INAPPLICABILITY OF NATIONAL EMERGENCY REQUIREMENT.—The requirements of section 202 of the International Emergency Economic Powers Act (50 U.S.C. 1701) shall not apply for purposes of this section.

(c) EXCEPTIONS.—

(1) EXCEPTION FOR INTELLIGENCE ACTIVITIES.—Sanctions under this section shall not apply to 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 any authorized intelligence activities of the United States.

(2) EXCEPTION TO COMPLY WITH INTERNATIONAL OBLIGATIONS AND FOR LAW ENFORCEMENT ACTIVITIES.—Sanctions under subsection (b)(1) shall not apply with respect to an alien if admitting or paroling the alien into the United States is necessary—

(A) 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, or other applicable international obligations; or

(B) to carry out or assist law enforcement activity in the United States.

(d) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of subsection (b)(2) or any regulation, license, or order issued to carry out that subsection 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.

(e) TERMINATION OF SANCTIONS.—The President may terminate the application of sanctions under this section with respect to a person if the President determines that—

(1) information exists that the person did not engage in the activity for which sanctions were imposed;

(2) the person has been prosecuted appropriately for the activity for which sanctions were imposed;

(3) the person has credibly demonstrated a significant change in behavior, has paid an appropriate consequence for the activity for which sanctions were imposed, and has credibly committed to not engage in an activity described in subsection (a) in the future; or

(4) the termination of the sanctions is in the national security interests of the United States.

(f) REPORTING REQUIREMENT.—If the President terminates sanctions pursuant to subsection (d), the President shall report to the appropriate congressional committees a written justification for such termination within 15 days.

(g) IMPLEMENTATION OF REGULATORY AUTHORITY.—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.

(h) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(1) IN GENERAL.—The authorities and requirements to impose sanctions authorized under this subtitle shall not include the authority or a requirement to impose sanctions on the importation of goods.

(2) GOOD DEFINED.—In this paragraph, the term ''good'' means any article, natural or manmade substance, material, supply or manufactured product, including inspection and test equipment, and excluding technical data.

(i) DEFINITIONS.—In this section:

(1) FOREIGN PERSON.—The term ''foreign person'' means—

(A) any citizen or national of a foreign country (including any such individual who is also a citizen or national of the United States); or

(B) any entity not organized solely under the laws of the United States or existing solely in the United States.

(2) UNITED STATES PERSON.—The term ''United States person'' means—

(A) an individual who is a United States citizen or an alien lawfully admitted for permanent residence to the United States;

(B) an entity organized under the laws of the United States or any jurisdiction within the United States, including a foreign branch of such an entity; or

(C) any person in the United States.

SEC. 1297. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Relations, the Committee on Appropriations, the Committee on Banking, Housing, and Urban Affairs, the Committee on the Judiciary, the Committee on Armed Services, and the Select Committee on Intelligence of the United States Senate; and

(B) the Committee on Foreign Affairs, the Committee on Appropriations, the Committee on Financial Services, the Committee on the Judiciary, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) UNITED STATES NATIONAL.—The term ''United States national'' means—

(A) a United States national as defined in section 101(a)(22) or section 308 of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22), 8 U.S.C. 1408); and

(B) a lawful permanent resident alien with significant ties to the United States.

SEC. 1298. RULE OF CONSTRUCTION.

Nothing in this subtitle shall be construed to authorize a private right of action.

SA 2271. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. FAMILY AND MEDICAL LEAVE AMENDMENTS.

(a) IN GENERAL.—

(1) PAID PARENTAL LEAVE FOR EMPLOYEES OF DISTRICT OF COLUMBIA COURTS AND DISTRICT OF COLUMBIA PUBLIC DEFENDER SERVICE.—

(A) DISTRICT OF COLUMBIA COURTS.—Section 11–1726, District of Columbia Official Code, is amended by adding at the end the following new subsection:

''(d) In carrying out the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.) with respect to nonjudicial employees of the District of Columbia courts, the Joint Committee on Judicial Administration shall, notwithstanding any provision of such Act, establish a paid parental leave program for the leave described in subparagraphs (A) and (B) of section 102(a)(1) of such Act (29 U.S.C. 2612(a)(1)) (relating to leave provided in connection with the birth of a child or the placement of a child for adoption or foster care). In developing the terms and conditions for this program, the Joint Committee may be guided by the terms and conditions applicable to the provision of paid parental leave for employees of the Federal Government under chapter 63 of title 5, United States Code, and any corresponding regulations.''.

(B) DISTRICT OF COLUMBIA PUBLIC DEFENDER SERVICE.—Section 305 of the District of Columbia Court Reform and Criminal Procedure Act of 1970 (sec. 2–1605, D.C. Official Code) is amended by adding at the end the following new subsection:

''(d) In carrying out the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.) with respect to employees of the Service, the Director shall, notwithstanding any provision of such Act, establish a paid parental leave program for the leave described in subparagraphs (A) and (B) of section 102(a)(1) of such Act (29 U.S.C. 2612(a)(1)) (relating to leave provided in connection with the birth of a child or the placement of a child for adoption or foster care). In developing the terms and conditions for this program, the Director may be guided by the terms and conditions applicable to the provision of paid parental leave for employees of the Federal Government under chapter 63 of title 5, United States Code, and any corresponding regulations.''.

(2) CLARIFICATION OF USE OF OTHER LEAVE IN ADDITION TO 12 WEEKS AS FAMILY AND MEDICAL LEAVE.—

(A) TITLE 5.—Section 6382(a) of title 5, United States Code, as amended by section 7602 of the National Defense Authorization Act for Fiscal Year 2020, is amended—

(i) in paragraph (1), in the matter preceding subparagraph (A), by inserting ''(or, in the case of leave that includes leave under subparagraph (A) or (B) of this paragraph, 12 administrative workweeks of leave plus any additional period of leave used under subsection (d)(2)(B)(ii))'' after ''12 administrative workweeks of leave''; and

(ii) in paragraph (4), by inserting ''(or 26 administrative workweeks of leave plus any additional period of leave used under subsection (d)(2)(B)(ii))'' after ''26 administrative workweeks of leave''.

(B) CONGRESSIONAL EMPLOYEES.—Section 202(a)(1) of the Congressional Accountability Act of 1995 (2 U.S.C. 1312(a)(1)), as amended by section 7603 of the National Defense Authorization Act for Fiscal Year 2020, is amended—

(i) in the second sentence, by inserting ''and in the case of leave that includes leave for such an event, the period of leave to which a covered employee is entitled under section 102(a)(1) of such Act shall be 12 administrative workweeks of leave plus any additional period of leave used under subsection (d)(2)(B) of this section'' before the period; and

(ii) by striking the third sentence and inserting the following: ''For purposes of applying section 102(a)(4) of such Act, in the case of leave that includes leave under subparagraph (A) or (B) of section 102(a)(1) of such Act, a covered employee is entitled, under paragraphs (1) and (3) of section 102(a) of such Act, to a combined total of 26 workweeks of leave plus any additional period of leave used under subsection (d)(2)(B) of this section.''.

(C) OTHER EMPLOYEES COVERED UNDER THE FAMILY AND MEDICAL LEAVE ACT OF 1993.—Section 102(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611(a)) is amended by adding at the end the following:

''(6) SPECIAL RULES ON PERIOD OF LEAVE.—With respect to an employee of the Government Accountability Office and an employee of the Library of Congress—

''(A) in the case of leave that includes leave under subparagraph (A) or (B) of paragraph (1), the employee shall be entitled to 12 administrative workweeks of leave plus any additional period of leave used under subsection (d)(3)(B)(ii) of this section or section 202(d)(2)(B) of the Congressional Accountability Act of 1995 (2 U.S.C. 1312(d)(2)(B)), as the case may be; and

''(B) for purposes of paragraph (4), the employee is entitled, under paragraphs (1) and (3), to a combined total of 26 workweeks of leave plus, if applicable, any additional period of leave used under subsection (d)(3)(B)(ii) of this section or section 202(d)(2)(B) of the Congressional Accountability Act of 1995 (2 U.S.C. 1312(d)(2)(B)), as the case may be.''.

(3) APPLICABILITY.—The amendments made by this section shall not be effective with respect to any birth or placement occurring before October 1, 2020.

(b) PAID PARENTAL LEAVE FOR PRESIDENTIAL EMPLOYEES.—

(1) AMENDMENTS TO CHAPTER 5 OF TITLE 3, UNITED STATES CODE.—Section 412 of title 3, United States Code, is amended—

(A) in subsection (a)(1), by adding at the end the following: ''In applying section 102 of such Act with respect to leave for an event described in subsection (a)(1)(A) or (B) of such section to covered employees, subsection (c) of this section shall apply and in the case of leave that includes leave for such an event, the period of leave to which a covered employee is entitled under section 102(a)(1) of such Act shall be 12 administrative workweeks of leave plus any additional period of leave used under subsection (c)(2)(B) of this section. For purposes of applying section 102(a)(4) of such Act, in the case of leave that includes leave under subparagraph (A) or (B) of section 102(a)(1) of such Act, a covered employee is entitled, under paragraphs (1) and (3) of section 102(a) of such Act, to a combined total of 26 workweeks of leave plus any additional period of leave used under subsection (c)(2)(B) of this section.'';

(B) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(C) by inserting after subsection (b) the following:

''(c) SPECIAL RULE FOR PAID PARENTAL LEAVE.—

''(1) SUBSTITUTION OF PAID LEAVE.—A covered employee may elect to substitute for any leave without pay under subparagraph (A) or (B) of section 102(a)(1) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)(1)) any paid leave which is available to such employee for that purpose.

''(2) AMOUNT OF PAID LEAVE.—The paid leave that is available to a covered employee for purposes of paragraph (1) is—

''(A) the number of weeks of paid parental leave in connection with the birth or placement involved that corresponds to the number of administrative workweeks of paid parental leave available to employees under section 6382(d)(2)(B)(i) of title 5, United States Code; and

''(B) during the 12-month period referred to in section 102(a)(1) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)(1))

and in addition to the administrative workweeks described in subparagraph (A), any additional paid vacation, personal, family, medical, or sick leave provided by the employing office to such employee.

''(3) LIMITATION.—Nothing in this section or section 102(d)(2)(A) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(d)(2)(A)) shall be considered to require or permit an employing office to require that an employee first use all or any portion of the leave described in paragraph (2)(B) before being allowed to use the paid parental leave described in paragraph (2)(A).

''(4) ADDITIONAL RULES.—Paid parental leave under paragraph (2)(A)—

''(A) shall be payable from any appropriation or fund available for salaries or expenses for positions within the employing office;

''(B) if not used by the covered employee before the end of the 12-month period (as referred to in section 102(a)(1) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)(1))) to which it relates, shall not accumulate for any subsequent use; and

''(C) shall apply without regard to the limitations in subparagraph (E), (F), or (G) of section 6382(d)(2) of title 5, United States Code, or section 104(c)(2) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2614(c)(2)).''; and

(D) in subsection (e)(1), as so redesignated, by striking ''subsection (c)'' and inserting ''subsection (d)''.

(2) APPLICABILITY.—The amendments made by this subsection shall not be effective with respect to any birth or placement occurring before October 1, 2020.

(c) FAA AND TSA.—

(1) APPLICATION OF FEDERAL FML.—

(A) IN GENERAL.—Section 40122(g)(2) of title 49, United States Code, is amended—

(i) in subparagraph (I)(iii), by striking ''and'' at the end;

(ii) in subparagraph (J), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(K) subchapter V of chapter 63, relating to family and medical leave.''.

(B) APPLICABILITY.—The amendments made by subparagraph (A) shall not be effective with respect to any event for which leave may be taken under subchapter V of chapter 63 of title 5, United States Code, occurring before October 1, 2020.

(2) CORRECTIONS FOR TSA SCREENERS.—Section 7606 of the National Defense Authorization Act for Fiscal Year 2020 is amended—

(A) by striking ''Section 111(d)(2)'' and inserting the following:

''(a) IN GENERAL.—Section 111(d)(2)''; and

(B) by adding at the end the following:

''(b) EFFECTIVE DATE; APPLICATION.—

''(1) IN GENERAL.—The amendment made by subsection (a) shall not be effective with respect to any event for which leave may be taken under subchapter V of chapter 63 of title 5, United States Code, occurring before October 1, 2020.

''(2) APPLICATION TO SERVICE REQUIREMENT FOR ELIGIBILITY.—For purposes of applying the period of service requirement under subparagraph (B) of section 6381(1) to an individual appointed under section 111(d)(1) of the Aviation and Transportation Security Act (49 U.S.C. 44935 note), the amendment made by subsection (a) of this section shall apply with respect to any period of service by the individual under such an appointment, including service before the effective date of such amendment.''.

(d) TITLE 38 EMPLOYEES.—

(1) IN GENERAL.—Section 7425 of title 38, United States Code, is amended—

(A) in subsection (b), by striking ''Notwithstanding'' and inserting ''Except as provided in subsection (c), and notwithstanding''; and

(B) by adding at the end the following:

''(c) Notwithstanding any other provision of this subchapter, the Administration shall provide to individuals appointed to any position described in section 7421(b) who are employed by the Administration family and medical leave in the same manner, to the maximum extent practicable, as family and medical leave is provided under subchapter V of chapter 63 of title 5 to employees, as defined in section 6381(1) of such title.''.

(2) APPLICABILITY.—The amendments made by paragraph (1) shall not be effective with respect to any event for which leave may be taken under subchapter V of chapter 63 of title 5, United States Code, occurring before October 1, 2020.

(e) ARTICLE I JUDGES.—

(1) BANKRUPTCY JUDGES.—Section 153(d) of title 28, United States Code, is amended—

(A) by striking ''A bankruptcy judge'' and inserting ''(1) Except as provided in paragraph (2), a bankruptcy judge''; and

(B) by adding at the end the following:

''(2) The provisions of subchapter V of chapter 63 of title 5 shall apply to a bankruptcy judge as if the bankruptcy judge were an employee (within the meaning of subparagraph (A) of section 6381(1) of such title).''.

(2) MAGISTRATE JUDGES.—Section 631(k) of title 28, United States Code, is amended—

(A) by striking ''A United States magistrate judge'' and inserting ''(1) Except as provided in paragraph (2), a United States magistrate judge''; and

(B) by adding at the end the following:

''(2) The provisions of subchapter V of chapter 63 of title 5 shall apply to a United States magistrate judge as if the United States magistrate judge were an employee (within the meaning of subparagraph (A) of section 6381(1) of such title).''.

(f) TECHNICAL CORRECTIONS.—

(1) Section 7605 of the National Defense Authorization Act for Fiscal Year 2020 is amended by striking ''on active duty'' each place it appears and inserting ''on covered active duty''.

(2) Subparagraph (E) of section 6382(d)(2) of title 5, United States Code, as added by section 7602 of the National Defense Authorization Act for Fiscal Year 2020, is amended by striking ''the requirement to complete'' and all that follows and inserting ''the service requirement under subparagraph (B) of section 6381(1).''.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect as if enacted immediately after the enactment of the National Defense Authorization Act for Fiscal Year 2020.

SA 2272. Mr. KAINE submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title VIII, add the following:

SEC. 894. EXTENSION OF CARES ACT DEADLINE FOR FEDERAL CONTRACTORS TO MODIFY TERMS AND CONDITIONS OF CONTRACTS OR AGREEMENTS TO REIMBURSE PAID LEAVE A CONTRACTOR PROVIDES TO KEEP ITS EMPLOYEES OR SUBCONTRACTORS IN A READY STATE.

Section 3610 of the CARES Act (Public Law 116–136) is amended by striking ''September 30, 2020'' and inserting ''December 31, 2020''.

SA 2273. Mr. PETERS submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 806, add the following:

(d) MEDICAL SUPPLY CHAIN PREPAREDNESS MEASURES.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Director of the Defense Logistics Agency shall submit to the Committees on Armed Services of the Senate and the House of Representatives—

(A) the results of a study on contracts entered into by the Director relating to health readiness of the Armed Forces to assess—

(i) the reliance by the Department of Defense on foreign sources of active pharmaceutical ingredients, drugs, and medical devices; and

(ii) the redundancy planning of the Department to mitigate shortages of drugs and medical devices; and

(B) a list of critical drugs for the Department of Defense compiled by the Director of the Defense Logistics Agency, in coordination with the Director of the Defense Health Agency.

(2) DEFINITIONS.—In this subsection:

(A) DRUG.—The term ''drug'' has the meaning given that term in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(B) MEDICAL DEVICE.—The term ''medical device'' has the meaning given the term ''device'' in such section 201.

SA 2274. Mr. PETERS submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. NATIONAL BIODEFENSE STRATEGY UPDATES.

(a) UPDATED BIODEFENSE THREAT ASSESSMENT.—

(1) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Secretary of State, the Secretary of Defense, the Secretary of Agriculture, the Secretary of Health and Human Services, and the Director of National Intelligence, shall—

(A) conduct an assessment of current and potential biological threats against the United States, both naturally occurring and man-made, either accidental or deliberate, including the potential for catastrophic biological threats on the scale of the COVID–19 pandemic or greater;

(B) not later than 1 year after the date of enactment of this section, submit the findings of the assessment conducted under subparagraph (A) to the Federal officials described in subsection (b)(1);

(C) not later than 30 days of the date on which the assessment is submitted under subparagraph (B), conduct a briefing for the appropriate congressional committees on the findings of the assessment;

(D) update the assessment under subparagraph (A) biennially as appropriate, and provide the findings of such updated assessments to the Federal officials described in subsection (b)(1); and

(E) conduct briefings for the appropriate congressional committees as needed any time an assessment under this paragraph is updated.

(2) CLASSIFICATION AND FORMAT.—Assessments under paragraph (1) shall be submitted in an unclassified format and include a classified annex.

(b) UPDATED IMPLEMENTATION PLAN FOR NATIONAL BIODEFENSE STRATEGY.—

(1) IN GENERAL.—The Secretary of Health and Human Services, the Secretary of Defense, the Secretary of Agriculture, the Secretary of Homeland Security, and all other Departments and agencies with responsibilities for biodefense, in consultation with the National Security Advisor and Director of the Office of Management and Budget, as appropriate, shall jointly—

(A) consider the assessment in subsection (a);

(B) seek input from relevant external stakeholders;

(C) provide an updated comprehensive Implementation Plan for the National Biodefense Strategy (referred to in this section as the ''Strategy''), under section 1086 of the National Defense Authorization Act for Fiscal Year 2017 (6 U.S.C. 104), which shall include—

(i) short-, medium-, and long-term goals and objectives for executing the Strategy;

(ii) metrics for meeting each objective of the Strategy;

(iii) the specific roles and responsibilities of each relevant Federal agency in the execution of the Strategy;

(iv) resource plans developed by each department and agency with responsibility for biodefense to staff, support, and sustain efforts to execute the Strategy within the jurisdiction of such department or agency;

(v) guidance on the decision-making process for individual agency budgets and for identifying and enforcing enterprise-wide decisions and priorities under the Strategy;

(vi) recommendations on methods for analyzing the data collected from relevant agencies, including ensuring that non-Federal resources and capabilities are accounted for in analysis under the Strategy; and

(vii) guidance for identifying biodefense allocations within individual agency budget submissions to the Office of Management and Budget, aligned with the objectives in the Strategy; and

(D) not later than 6 months after the date of the completion of the assessment in subsection (a)(1)(A), submit such Implementation Plan to the appropriate congressional committees.

(2) CLASSIFICATION AND FORMAT.—Assessments under paragraph (1) shall be submitted in an unclassified format and include a classified annex, as appropriate.

(c) DEFINITION.—In this section, the term ''appropriate congressional committees'' means those committees described in section 1086(f) of the National Defense Authorization Act for Fiscal Year 2017 (6 U.S.C. 104(f)) as well as the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

SA 2275. Mr. PETERS (for himself, Mr. JOHNSON, Mr. KING, and Mr. SASSE) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. CONTINUITY OF THE ECONOMY PLAN.

(a) REQUIREMENT.—

(1) IN GENERAL.—The President shall develop and maintain a plan to maintain and restore the economy of the United States in response to a significant event.

(2) PRINCIPLES.—The plan required under paragraph (1) shall—

(A) be consistent with—

(i) a free market economy; and

(ii) the rule of law; and

(B) respect private property rights.

(3) CONTENTS.—The plan required under paragraph (1) shall—

(A) examine the distribution of goods and services across the United States necessary for the reliable functioning of the United States during a significant event;

(B) identify the economic functions of relevant actors, the disruption, corruption, or dysfunction of which would have a debilitating effect in the United States on—

(i) security;

(ii) economic security;

(iii) defense readiness; or

(iv) public health or safety;

(C) identify the critical distribution mechanisms for each economic sector that should be prioritized for operation during a significant event, including—

(i) bulk power and electric transmission systems;

(ii) national and international financial systems, including wholesale payments, stocks, and currency exchanges;

(iii) national and international communications networks, data-hosting services, and cloud services;

(iv) interstate oil and natural gas pipelines; and

(v) mechanisms for the interstate and international trade and distribution of materials, food, and medical supplies, including road, rail, air, and maritime shipping;

(D) identify economic functions of relevant actors, the disruption, corruption, or dysfunction of which would cause—

(i) catastrophic economic loss;

(ii) the loss of public confidence; or

(iii) the widespread imperilment of human life;

(E) identify the economic functions of relevant actors that are so vital to the economy of the United States that the disruption, corruption, or dysfunction of those economic functions would undermine response, recovery, or mobilization efforts during a significant event;

(F) incorporate, to the greatest extent practicable, the principles and practices contained within Federal plans for the continuity of Government and continuity of operations;

(G) identify—

(i) industrial control networks on which the interests of national security outweigh the benefits of dependence on internet connectivity, including networks that are required to maintain defense readiness; and

(ii) for each industrial control network described in clause (i), the most feasible and optimal locations for the installation of—

(I) parallel services;

(II) stand-alone analog services; and

(III) services that are otherwise hardened against failure;

(H) identify critical economic sectors for which the preservation of data in a protected, verified, and uncorrupted status would be required for the quick recovery of the economy of the United States in the face of a significant disruption following a significant event;

(I) include a list of raw materials, industrial goods, and other items, the absence of which would significantly undermine the ability of the United States to sustain the functions described in subparagraphs (B), (D), and (E);

(J) provide an analysis of supply chain diversification for the items described in subparagraph (I) in the event of a disruption caused by a significant event;

(K) include—

(i) a recommendation as to whether the United States should maintain a strategic reserve of 1 or more of the items described in subparagraph (I); and

(ii) for each item described in subparagraph (I) for which the President recommends maintaining a strategic reserve under clause (i), an identification of mechanisms for tracking inventory and availability of the item in the strategic reserve;

(L) identify mechanisms in existence on the date of enactment of this Act and mechanisms that can be developed to ensure that the swift transport and delivery of the items described in subparagraph (I) is feasible in the event of a distribution network disturbance or degradation, including a distribution network disturbance or degradation caused by a significant event;

(M) include guidance for determining the prioritization for the distribution of the items described in subparagraph (I), including distribution to States and Indian Tribes;

(N) consider the advisability and feasibility of mechanisms for extending the credit of the United States or providing other financial support authorized by law to key participants in the economy of the United States if the extension or provision of other financial support—

(i) is necessary to avoid severe economic degradation; or

(ii) allows for the recovery from a significant event;

(O) include guidance for determining categories of employees that should be prioritized to continue to work in order to sustain the functions described in subparagraphs (B), (D), and (E) in the event that there are limitations on the ability of individuals to travel to workplaces or to work remotely, including considerations for defense readiness;

(P) identify critical economic sectors necessary to provide material and operational support to the defense of the United States;

(Q) determine whether the Secretary of Homeland Security, the National Guard, and the Secretary of Defense have adequate authority to assist the United States in a recovery from a severe economic degradation caused by a significant event;

(R) review and assess the authority and capability of heads of other agencies that the President determines necessary to assist the United States in a recovery from a severe economic degradation caused by a significant event; and

(S) consider any other matter that would aid in protecting and increasing the resilience of the economy of the United States from a significant event.

(b) COORDINATION.—In developing the plan required under subsection (a)(1), the President shall—

(1) receive advice from—

(A) the Secretary of Homeland Security;

(B) the Secretary of Defense;

(C) the Secretary of the Treasury;

(D) the Secretary of Health and Human Services;

(E) the Secretary of Commerce;

(F) the Secretary of Transportation;

(G) the Secretary of Energy;

(H) the Administrator of the Small Business Administration; and

(I) the head of any other agency that the President determines necessary to complete the plan;

(2) consult with economic sectors relating to critical infrastructure through sector-coordinated councils, as appropriate;

(3) consult with relevant State, Tribal, and local governments and organizations that represent those governments; and

(4) consult with any other non-Federal entity that the President determines necessary to complete the plan.

(c) SUBMISSION TO CONGRESS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and not less frequently than every 3 years thereafter, the President shall submit the plan required under subsection (a)(1) and the information described in paragraph (2) to—

(A) the majority and minority leaders of the Senate;

(B) the Speaker and the minority leader of the House of Representatives;

(C) the Committee on Armed Services of the Senate;

(D) the Committee on Armed Services of the House of Representatives;

(E) the Committee on Homeland Security and Governmental Affairs of the Senate;

(F) the Committee on Homeland Security of the House of Representatives;

(G) the Committee on Health, Education, Labor, and Pensions of the Senate;

(H) the Committee on Commerce, Science, and Transportation of the Senate;

(I) the Committee on Energy and Commerce of the House of Representatives;

(J) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(K) the Committee on Finance of the Senate;

(L) the Committee on Financial Services of the House of Representatives;

(M) the Committee on Small Business and Entrepreneurship of the Senate;

(N) the Committee on Small Business of the House of Representatives;

(O) the Committee on Energy and Natural Resources of the Senate;

(P) the Committee on Environment and Public Works of the Senate; and

(Q) any other committee of the Senate or the House of Representatives that has jurisdiction over the subject of the plan.

(2) ADDITIONAL INFORMATION.—The information described in this paragraph is—

(A) any change to Federal law that would be necessary to carry out the plan required under subsection (a)(1); and

(B) any proposed changes to the funding levels provided in appropriation Acts for the most recent fiscal year that can be implemented in future appropriation Acts or additional resources necessary to—

(i) implement the plan required under subsection (a)(1); or

(ii) maintain any program offices and personnel necessary to—

(I) maintain the plan required under subsection (a)(1) and the plans described in subsection (a)(3)(F); and

(II) conduct exercises, assessments, and updates to the plans described in subclause (I) over time.

(3) BUDGET OF THE PRESIDENT.—The President may include the information described in paragraph (2)(B) in the budget required to be submitted by the President under section 1105(a) of title 31, United States Code.

(d) DEFINITIONS.—In this section:

(1) The term ''agency'' has the meaning given the term in section 551 of title 5, United States Code.

(2) The term ''economic sector'' means a sector of the economy of the United States.

(3) The term ''relevant actor'' means—

(A) the Federal government;

(B) a State, local, or Tribal government; or

(C) the private sector.

(4) The term ''significant event'' means an event that causes severe degradation to economic activity in the United States due to—

(A) a cyber attack; or

(B) another significant event that is natural or human-caused.

(5) The term ''State'' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any possession of the United States.

SA 2276. Mr. THUNE (for Mr. TOOMEY (for himself and Mr. JONES)) submitted an amendment intended to be proposed by Mr. Thune to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title XII of division A, add the following:

SEC. 1287. BLOCKING DEADLY FENTANYL IMPORTS.

(a) SHORT TITLE.—This section may be cited as the ''Blocking Deadly Fentanyl Imports Act''.

(b) DEFINITIONS.—Section 481(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)) is amended—

(1) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking ''in which'';

(B) in subparagraph (A), by inserting ''in which'' before ''1,000'';

(C) in subparagraph (B)—

(i) by inserting ''in which'' before ''1,000''; and

(ii) by striking ''or'' at the end;

(D) in subparagraph (C)—

(i) by inserting ''in which'' before ''5,000''; and

(ii) by inserting ''or'' after the semicolon; and

(E) by adding at the end the following:

''(D) that is a significant source of illicit synthetic opioids significantly affecting the United States;''; and

(2) in paragraph (4)—

(A) in subparagraph (C), by striking ''and'' at the end;

(B) in subparagraph (D), by adding ''and'' at the end; and

(C) by adding at the end the following:

''(E) assistance that furthers the objectives set forth in paragraphs (1) through (4) of section 664(b) of the Foreign Relations Authorization Act, Fiscal Year 2003 (22 U.S.C. 2151n–2(b));

''(F) assistance to combat trafficking authorized under the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7101 et seq.)); and

''(G) global health assistance authorized under sections 104 through 104C of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b through 22 U.S.C. 2151b–4).''.

(c) INTERNATIONAL NARCOTICS CONTROL STRATEGY REPORT.—Section 489(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h(a)) is amended by adding at the end the following:

''(9) A separate section that contains the following:

''(A) An identification of the countries, to the extent feasible, that are the most significant sources of illicit fentanyl and fentanyl analogues significantly affecting the United States during the preceding calendar year.

''(B) A description of the extent to which each country identified pursuant to subparagraph (A) has cooperated with the United States to prevent the articles or chemicals described in subparagraph (A) from being exported from such country to the United States.

''(C) A description of whether each country identified pursuant to subparagraph (A) has adopted and utilizes scheduling or other procedures for illicit drugs that are similar in effect to the procedures authorized under title II of the Controlled Substances Act (21 U.S.C. 811 et seq.) for adding drugs and other substances to the controlled substances schedules;

''(D) A description of whether each country identified pursuant to subparagraph (A) is following steps to prosecute individuals involved in the illicit manufacture or distribution of controlled substance analogues (as defined in section 102(32) of the Controlled Substances Act (21 U.S.C. 802(32)); and

''(E) A description of whether each country identified pursuant to subparagraph (A) requires the registration of tableting machines and encapsulating machines or other measures similar in effect to the registration requirements set forth in part 1310 of title 21, Code of Federal Regulations, and has not made good faith efforts, in the opinion of the Secretary, to improve regulation of tableting machines and encapsulating machines.''.

(d) WITHHOLDING OF BILATERAL AND MULTILATERAL ASSISTANCE.—

(1) IN GENERAL.—Section 490(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j(a)) is amended—

(A) in paragraph (1), by striking ''or country identified pursuant to clause (i) or (ii) of section 489(a)(8)(A) of this Act'' and inserting ''country identified pursuant to section 489(a)(8)(A), or country thrice identified during a 5-year period pursuant to section 489(a)(9)(A)''; and

(B) in paragraph (2), by striking ''or major drug-transit country (as determined under subsection (h)) or country identified pursuant to clause (i) or (ii) of section 489(a)(8)(A) of this Act'' and inserting '', major drug-transit country, country identified pursuant to section 489(a)(8)(A), or country thrice identified during a 5-year period pursuant to section 489(a)(9)(A)''.

(2) DESIGNATION OF ILLICIT FENTANYL COUNTRIES WITHOUT SCHEDULING PROCEDURES.—Section 706(2) of the Foreign Relations Authorization Act, Fiscal Year 2003 (22 U.S.C. 2291j–1(2)) is amended—

(A) in the matter preceding subparagraph (A), by striking ''also'';

(B) in subparagraph (A)(ii), by striking ''and'' at the end;

(C) by redesignating subparagraph (B) as subparagraph (D);

(D) by inserting after subparagraph (A) the following:

''(B) designate each country, if any, identified under section 489(a)(9) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h(a)(9)) that has failed to adopt and utilize scheduling procedures for illicit drugs that are comparable to the procedures authorized under title II of the Controlled Substances Act (21 U.S.C. 811 et seq.) for adding drugs and other substances to the controlled substances schedules;''; and

(E) in subparagraph (D), as redesignated, by striking ''so designated'' and inserting ''designated under subparagraph (A), (B), or (C)''.

(3) DESIGNATION OF ILLICIT FENTANYL COUNTRIES WITHOUT ABILITY TO PROSECUTE CRIMINALS FOR THE MANUFACTURE OR DISTRIBUTION OF FENTANYL ANALOGUES.—Section 706(2) of the Foreign Relations Authorization Act, Fiscal Year 2003 (22 U.S.C. 2291j–1(2)), as amended by paragraph (2), is further amended by inserting after subparagraph (B) the following:

''(C) designate each country, if any, identified under section 489(a)(9) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h(a)(9)) that has not taken significant steps to prosecute individuals involved in the illicit manufacture or distribution of controlled substance analogues (as defined in section 102(32) of the Controlled Substances Act (21 U.S.C. 802(32));''.

(4) LIMITATION ON ASSISTANCE FOR DESIGNATED COUNTRIES.—Section 706(3) of the Foreign Relations Authorization Act, Fiscal Year 2003 (22 U.S.C. 2291j–1(3)) is amended by striking ''also designated under paragraph (2) in the report'' and inserting ''designated in the report under paragraph (2)(A) or thrice designated during a 5-year period in the report under subparagraph (B) or (C) of paragraph (2)''.

(5) EXCEPTION TO THE LIMITATION ON ASSISTANCE.—Section 706(5) of the Foreign Relations Authorization Act, Fiscal Year 2003 (22 U.S.C. 2291j–1(5)) is amended—

(A) by redesignating subparagraph (C) as subparagraph (F);

(B) by inserting after subparagraph (B) the following:

''(C) Notwithstanding paragraph (3), assistance to promote democracy (as described in section 481(e)(4)(E) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)(4)(E))) shall be provided to countries identified in a report under paragraph (1) and designated under subparagraph (B) or (C) of paragraph (2), to the extent such countries are otherwise eligible for such assistance, regardless of whether the President reports to the appropriate congressional committees in accordance with such paragraph.

''(D) Notwithstanding paragraph (3), assistance to combat trafficking (as described in section 481(e)(4)(F) of such Act) shall be provided to countries identified in a report under paragraph (1) and designated under subparagraph (B) or (C) of paragraph (2), to the extent such countries are otherwise eligible for such assistance, regardless of whether the President reports to the appropriate congressional committees in accordance with such paragraph.

''(E) Notwithstanding paragraph (3), global health assistance (as described in section 481(e)(4)(G) of such Act) shall be provided to countries identified in a report under paragraph (1) and designated under subparagraph (B) or (C) of paragraph (2), to the extent such countries are otherwise eligible for such assistance, regardless of whether the President reports to the appropriate congressional committees in accordance with such paragraph''; and

(C) in subparagraph (F), as redesignated, by striking ''section clause (i) or (ii) of'' and inserting ''clause (i) or (ii) of section''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 90 days after the date of the enactment of this Act.

SA 2277. Mr. THUNE (for Mr. TOOMEY (for himself and Mr. VAN HOLLEN)) submitted an amendment intended to be proposed by Mr. THUNE to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

After title XVI, insert the following:

TITLE XVII—HONG KONG AUTONOMY ACT

SEC. 1701. SHORT TITLE.

This title may be cited as the ''Hong Kong Autonomy Act''.

SEC. 1702. 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 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 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) BASIC LAW.—The term ''Basic Law'' means the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China.

(4) CHINA.—The term ''China'' means the People's Republic of China.

(5) ENTITY.—The term ''entity'' means a partnership, joint venture, association, corporation, organization, network, group, or subgroup, or any other form of business collaboration.

(6) FINANCIAL INSTITUTION.—The term ''financial institution'' means a financial institution specified in section 5312(a)(2) of title 31, United States Code.

(7) HONG KONG.—The term ''Hong Kong'' means the Hong Kong Special Administrative Region of the People's Republic of China.

(8) JOINT DECLARATION.—The term ''Joint Declaration'' means the Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong, done at Beijing on December 19, 1984.

(9) KNOWINGLY.—The term ''knowingly'', with respect to conduct, a circumstance, or a result, means that a person has actual knowledge of the conduct, the circumstance, or the result.

(10) PERSON.—The term ''person'' means an individual or entity.

(11) UNITED STATES PERSON.—The term ''United States person'' means—

(A) any citizen or national of the United States;

(B) any alien lawfully admitted for permanent 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.

SEC. 1703. FINDINGS.

Congress makes the following findings:

(1) The Joint Declaration and the Basic Law clarify certain obligations and promises that the Government of China has made with respect to the future of Hong Kong.

(2) The obligations of the Government of China under the Joint Declaration were codified in a legally-binding treaty, signed by the Government of the United Kingdom of Great Britain and Northern Ireland and registered with the United Nations.

(3) The obligations of the Government of China under the Basic Law originate from the Joint Declaration, were passed into the domestic law of China by the National People's Congress, and are widely considered by citizens of Hong Kong as part of the de facto legal constitution of Hong Kong.

(4) Foremost among the obligations of the Government of China to Hong Kong is the promise that, pursuant to Paragraph 3b of the Joint Declaration, ''the Hong Kong Special Administrative Region will enjoy a high degree of autonomy, except in foreign and defence affairs which are the responsibilities of the Central People's Government''.

(5) The obligation specified in Paragraph 3b of the Joint Declaration is referenced, reinforced, and extrapolated on in several portions of the Basic Law, including Articles 2, 12, 13, 14, and 22.

(6) Article 22 of the Basic Law establishes that ''No department of the Central People's Government and no province, autonomous region, or municipality directly under the Central Government may interfere in the affairs which the Hong Kong Special Administrative Region administers on its own in accordance with this Law.''.

(7) The Joint Declaration and the Basic Law make clear that additional obligations shall be undertaken by China to ensure the ''high degree of autonomy'' of Hong Kong.

(8) Paragraph 3c of the Joint Declaration states, as reinforced by Articles 2, 16, 17, 18, 19, and 22 of the Basic Law, that Hong Kong ''will be vested with executive, legislative and independent judicial power, including that of final adjudication''.

(9) On multiple occasions, the Government of China has undertaken actions that have contravened the letter or intent of the obligation described in paragraph (8) of this section, including the following:

(A) In 1999, the Standing Committee of the National People's Congress overruled a decision by the Hong Kong Court of Final Appeal on the right of abode.

(B) On multiple occasions, the Government of Hong Kong, at the advice of the Government of China, is suspected to have not allowed persons entry into Hong Kong allegedly because of their support for democracy and human rights in Hong Kong and China.

(C) The Liaison Office of China in Hong Kong has, despite restrictions on interference in the affairs of Hong Kong as detailed in Article 22 of the Basic Law—

(i) openly expressed support for candidates in Hong Kong for Chief Executive and Legislative Council;

(ii) expressed views on various policies for the Government of Hong Kong and other internal matters relating to Hong Kong; and

(iii) on April 17, 2020, asserted that both the Liaison Office of China in Hong Kong and the Hong Kong and Macau Affairs Office of the State Council ''have the right to exercise supervision . . . on affairs regarding Hong Kong and the mainland, in order to ensure correct implementation of the Basic Law''.

(D) The National People's Congress has passed laws requiring Hong Kong to pass laws banning disrespectful treatment of the national flag and national anthem of China.

(E) The State Council of China released a white paper on June 10, 2014, that stressed the ''comprehensive jurisdiction'' of the Government of China over Hong Kong and indicated that Hong Kong must be governed by ''patriots''.

(F) The Government of China has directed operatives to kidnap and bring to the mainland, or is otherwise responsible for the kidnapping of, residents of Hong Kong, including businessman Xiao Jianhua and bookseller Gui Minhai.

(G) The Government of Hong Kong, acting with the support of the Government of China, introduced an extradition bill that would have permitted the Government of China to request and enforce extradition requests for any individual present in Hong Kong, regardless of the legality of the request or the degree to which it compromised the judicial independence of Hong Kong.

(H) The spokesman for the Standing Committee of the National People's Congress said, ''Whether Hong Kong's laws are consistent with the Basic Law can only be judged and decided by the National People's Congress Standing Committee. No other authority has the right to make judgments and decisions.''.

(10) Paragraph 3e of the Joint Declaration states, as reinforced by Article 5 of the Basic Law, that the ''current social and economic systems in Hong Kong will remain unchanged, as so will the life-style.''.

(11) On multiple occasions, the Government of China has undertaken actions that have contravened the letter or intent of the obligation described in paragraph (10) of this section, including the following:

(A) In 2002, the Government of China pressured the Government of Hong Kong to introduce ''patriotic'' curriculum in primary and secondary schools.

(B) The governments of China and Hong Kong proposed the prohibition of discussion of Hong Kong independence and self-determination in primary and secondary schools, which infringes on freedom of speech.

(C) The Government of Hong Kong mandated that Mandarin, and not the native language of Cantonese, be the language of instruction in Hong Kong schools.

(D) The governments of China and Hong Kong agreed to a daily quota of mainland immigrants to Hong Kong, which is widely believed by citizens of Hong Kong to be part of an effort to ''mainlandize'' Hong Kong.

(12) Paragraph 3e of the Joint Declaration states, as reinforced by Articles 4, 26, 27, 28, 29, 30, 31, 32 33, 34, and 39 of the Basic Law, that the ''rights and freedoms, including those of person, of speech, of the press, of assembly, of association, of travel, of movement, of correspondence, of strike, of choice of occupation, of academic research and of religious belief will be ensured by law'' in Hong Kong.

(13) On multiple occasions, the Government of China has undertaken actions that have contravened the letter or intent of the obligation described in paragraph (12) of this section, including the following:

(A) On February 26, 2003, the Government of Hong Kong introduced a national security bill that would have placed restrictions on freedom of speech and other protected rights.

(B) The Liaison Office of China in Hong Kong has pressured businesses in Hong Kong not to advertise in newspapers and magazines critical of the governments of China and Hong Kong.

(C) The Hong Kong Police Force selectively blocked demonstrations and protests expressing opposition to the governments of China and Hong Kong or the policies of those governments.

(D) The Government of Hong Kong refused to renew work visa for a foreign journalist, allegedly for hosting a speaker from the banned Hong Kong National Party.

(E) The Justice Department of Hong Kong selectively prosecuted cases against leaders of the Umbrella Movement, while failing to prosecute police officers accused of using excessive force during the protests in 2014.

(F) On April 18, 2020, the Hong Kong Police Force arrested 14 high-profile democracy activists and campaigners for their role in organizing a protest march that took place on August 18, 2019, in which almost 2,000,000 people rallied against a proposed extradition bill.

(14) Articles 45 and 68 of the Basic Law assert that the selection of Chief Executive and all members of the Legislative Council of Hong Kong should be by ''universal suffrage.''.

(15) On multiple occasions, the Government of China has undertaken actions that have contravened the letter or intent of the obligation described in paragraph (14) of this section, including the following:

(A) In 2004, the National People's Congress created new, antidemocratic procedures restricting the adoption of universal suffrage for the election of the Chief Executive of Hong Kong.

(B) The decision by the National People's Congress on December 29, 2007, which ruled out universal suffrage in 2012 elections and set restrictions on when and if universal suffrage will be implemented.

(C) The decision by the National People's Congress on August 31, 2014, which placed limits on the nomination process for the Chief Executive of Hong Kong as a condition for adoption of universal suffrage.

(D) On November 7, 2016, the National People's Congress interpreted Article 104 of the Basic Law in such a way to disqualify 6 elected members of the Legislative Council.

(E) In 2018, the Government of Hong Kong banned the Hong Kong National Party and blocked the candidacy of pro-democracy candidates.

(16) The ways in which the Government of China, at times with the support of a subservient Government of Hong Kong, has acted in contravention of its obligations under the Joint Declaration and the Basic Law, as set forth in this section, are deeply concerning to the people of Hong Kong, the United States, and members of the international community who support the autonomy of Hong Kong.

SEC. 1704. SENSE OF CONGRESS REGARDING HONG KONG.

It is the sense of Congress that—

(1) the United States continues to uphold the principles and policy established in the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5701 et seq.) and the Hong Kong Human Rights and Democracy Act of 2019 (Public Law 116–76; 22 U.S.C. 5701 note), which remain consistent with China's obligations under the Joint Declaration and certain promulgated objectives under the Basic Law, including that—

(A) as set forth in section 101(1) of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5711(1)), ''The United States should play an active role, before, on, and after July 1, 1997, in maintaining Hong Kong's confidence and prosperity, Hong Kong's role as an international financial center, and the mutually beneficial ties between the people of the United States and the people of Hong Kong.''; and

(B) as set forth in section 2(5) of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5701(5)), ''Support for democratization is a fundamental principle of United States foreign policy. As such, it naturally applies to United States policy toward Hong Kong. This will remain equally true after June 30, 1997.'';

(2) although the United States recognizes that, under the Joint Declaration, the Government of China ''resumed the exercise of sovereignty over Hong Kong with effect on 1 July 1997'', the United States supports the autonomy of Hong Kong in furtherance of the United States-Hong Kong Policy Act of 1992 and the Hong Kong Human Rights and Democracy Act of 2019 and advances the desire of the people of Hong Kong to continue the ''one country, two systems'' regime, in addition to other obligations promulgated by China under the Joint Declaration and the Basic Law;

(3) in order to support the benefits and protections that Hong Kong has been afforded by the Government of China under the Joint Declaration and the Basic Law, the United States should establish a clear and unambiguous set of penalties with respect to foreign persons determined by the Secretary of State, in consultation with the Secretary of the Treasury, to be involved in the contravention of the obligations of China under the Joint Declaration and the Basic Law and the financial institutions transacting with those foreign persons;

(4) the Secretary of State should provide an unclassified assessment of the reason for imposition of certain economic penalties on entities, so as to permit a clear path for the removal of economic penalties if the sanctioned behavior is reversed and verified by the Secretary of State;

(5) relevant Federal agencies should establish a multilateral sanctions regime with respect to foreign persons involved in the contravention of the obligations of China under the Joint Declaration and the Basic Law; and

(6) in addition to the penalties on foreign persons, and financial institutions transacting with those foreign persons, for the contravention of the obligations of China under the Joint Declaration and the Basic Law, the United States should take steps, in a time of crisis, to assist permanent residents of Hong Kong who are persecuted or fear persecution as a result of the contravention by China of its obligations under the Joint Declaration and the Basic Law to become eligible to obtain lawful entry into the United States.

SEC. 1705. IDENTIFICATION OF FOREIGN PERSONS INVOLVED IN THE EROSION OF THE OBLIGATIONS OF CHINA UNDER THE JOINT DECLARATION OR THE BASIC LAW AND FOREIGN FINANCIAL INSTITUTIONS THAT CONDUCT SIGNIFICANT TRANSACTIONS WITH THOSE PERSONS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, if the Secretary of State, in consultation with the Secretary of the Treasury, determines that a foreign person is materially contributing to, has materially contributed to, or attempts to materially contribute to the failure of the Government of China to meet its obligations under the Joint Declaration or the Basic Law, the Secretary of State shall submit to the appropriate congressional committees and leadership a report that includes—

(1) an identification of the foreign person; and

(2) a clear explanation for why the foreign person was identified and a description of the activity that resulted in the identification.

(b) IDENTIFYING FOREIGN FINANCIAL INSTITUTIONS.—Not earlier than 30 days and not later than 60 days after the Secretary of State submits to the appropriate congressional committees and leadership the report under subsection (a), the Secretary of the Treasury, in consultation with the Secretary of State, shall submit to the appropriate congressional committees and leadership a report that identifies any foreign financial institution that knowingly conducts a significant transaction with a foreign person identified in the report under subsection (a).

(c) EXCLUSION OF CERTAIN INFORMATION.—

(1) INTELLIGENCE.—The Secretary of State shall not disclose the identity of a person in a report submitted under subsection (a) or (b), or an update under subsection (e), 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.—The Secretary of State shall not disclose the identity of a person in a report submitted under subsection (a) or (b), or an update under subsection (e), if the Attorney General, in coordination, as appropriate, with the Director of the Federal Bureau of Investigation, the head of any other appropriate Federal law enforcement agency, and the Secretary of the Treasury, 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.

(d) EXCLUSION OR REMOVAL OF FOREIGN PERSONS AND FOREIGN FINANCIAL INSTITUTIONS.—

(1) FOREIGN PERSONS.—The President may exclude a foreign person from the report under subsection (a), or an update under subsection (e), or remove a foreign person from the report or update prior to the imposition of sanctions under section 1706(a) if the material contribution (as described in subsection (g)) that merited inclusion in that report or update—

(A) does not have a significant and lasting negative effect that contravenes the obligations of China under the Joint Declaration and the Basic Law;

(B) is not likely to be repeated in the future; and

(C) has been reversed or otherwise mitigated through positive countermeasures taken by that foreign person.

(2) FOREIGN FINANCIAL INSTITUTIONS.—The President may exclude a foreign financial institution from the report under subsection (b), or an update under subsection (e), or remove a foreign financial institution from the report or update prior to the imposition of sanctions under section 1707(a) if the significant transaction or significant transactions of the foreign financial institution that merited inclusion in that report or update—

(A) does not have a significant and lasting negative effect that contravenes the obligations of China under the Joint Declaration and the Basic Law;

(B) is not likely to be repeated in the future; and

(C) has been reversed or otherwise mitigated through positive countermeasures taken by that foreign financial institution.

(3) NOTIFICATION REQUIRED.—If the President makes a determination under paragraph (1) or (2) to exclude or remove a foreign person or foreign financial institution from a report under subsection (a) or (b), as the case may be, the President shall notify the appropriate congressional committees and leadership of the determination and the reasons for the determination.

(e) UPDATE OF REPORTS.—

(1) IN GENERAL.—Each report submitted under subsections (a) and (b) shall be updated in an ongoing manner and, to the extent practicable, updated reports shall be resubmitted with the annual report under section 301 of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5731).

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to terminate the requirement to update the reports under subsections (a) and (b) upon the termination of the requirement to submit the annual report under section 301 of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5731).

(f) FORM OF REPORTS.—

(1) IN GENERAL.—Each report under subsection (a) or (b) (including updates under subsection (e)) shall be submitted in unclassified form and made available to the public.

(2) CLASSIFIED ANNEX.—The explanations and descriptions included in the report under subsection (a)(2) (including updates under subsection (e)) may be expanded on in a classified annex.

(g) MATERIAL CONTRIBUTIONS RELATED TO OBLIGATIONS OF CHINA DESCRIBED.—For purposes of this section, a foreign person materially contributes to the failure of the Government of China to meet its obligations under the Joint Declaration or the Basic Law if the person—

(1) took action that resulted in the inability of the people of Hong Kong—

(A) to enjoy freedom of assembly, speech, press, or independent rule of law; or

(B) to participate in democratic outcomes; or

(2) otherwise took action that reduces the high degree of autonomy of Hong Kong.

SEC. 1706. SANCTIONS WITH RESPECT TO FOREIGN PERSONS THAT CONTRAVENE THE OBLIGATIONS OF CHINA UNDER THE JOINT DECLARATION OR THE BASIC LAW.

(a) IMPOSITION OF SANCTIONS.—

(1) IN GENERAL.—On and after the date on which a foreign person is included in the report under section 1705(a) or an update to that report under section 1705(e), the President may impose sanctions described in subsection (b) with respect to that foreign person.

(2) MANDATORY SANCTIONS.—Not later than one year after the date on which a foreign person is included in the report under section 1705(a) or an update to that report under section 1705(e), the President shall impose sanctions described in subsection (b) with respect to that foreign person.

(b) SANCTIONS DESCRIBED.—The sanctions described in this subsection with respect to a foreign person are the following:

(1) 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, transporting, or exporting 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.

(2) EXCLUSION FROM THE UNITED STATES AND REVOCATION OF VISA OR OTHER DOCUMENTATION.—In the case of a foreign person who is an individual, the President may direct the Secretary of State to deny a visa to, and the Secretary of Homeland Security to exclude from the United States, the foreign person, subject to regulatory exceptions 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, or other applicable international obligations.

SEC. 1707. SANCTIONS WITH RESPECT TO FOREIGN FINANCIAL INSTITUTIONS THAT CONDUCT SIGNIFICANT TRANSACTIONS WITH FOREIGN PERSONS THAT CONTRAVENE THE OBLIGATIONS OF CHINA UNDER THE JOINT DECLARATION OR THE BASIC LAW.

(a) IMPOSITION OF SANCTIONS.—

(1) INITIAL SANCTIONS.—Not later than one year after the date on which a foreign financial institution is included in the report under section 1705(b) or an update to that report under section 1705(e), the President shall impose not fewer than 5 of the sanctions described in subsection (b) with respect to that foreign financial institution.

(2) EXPANDED SANCTIONS.—Not later than two years after the date on which a foreign financial institution is included in the report under section 1705(b) or an update to that report under section 1705(e), the President shall impose each of the sanctions described in subsection (b).

(b) SANCTIONS DESCRIBED.—The sanctions described in this subsection with respect to a foreign financial institution 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 financial institution.

(2) 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 foreign financial institution as a primary dealer in United States Government debt instruments.

(3) PROHIBITION ON SERVICE AS A REPOSITORY OF GOVERNMENT FUNDS.—The foreign financial institution may not serve as agent of the United States Government or serve as repository for United States Government funds.

(4) FOREIGN EXCHANGE.—The President may, pursuant to such regulations as the President may prescribe, prohibit any transactions in foreign exchange that are subject to the jurisdiction of the United States and involve the foreign financial institution.

(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 the foreign financial institution.

(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, transporting, or exporting any property that is subject to the jurisdiction of the United States and with respect to which the foreign financial institution 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) RESTRICTION ON EXPORTS, REEXPORTS, AND TRANSFERS.—The President, in consultation with the Secretary of Commerce, may

restrict or prohibit exports, reexports, and transfers (in-country) of commodities, software, and technology subject to the jurisdiction of the United States directly or indirectly to the foreign financial institution.

(8) BAN ON INVESTMENT IN EQUITY OR DEBT.—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 financial institution.

(9) EXCLUSION OF CORPORATE OFFICERS.—The President may direct the Secretary of State, in consultation with the Secretary of the Treasury and the Secretary of Homeland Security, to exclude from the United States any alien that is determined to be a corporate officer or principal of, or a shareholder with a controlling interest in, the foreign financial institution, subject to regulatory exceptions 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, or other applicable international obligations.

(10) SANCTIONS ON PRINCIPAL EXECUTIVE OFFICERS.—The President may impose on the principal executive officer or officers of the foreign financial institution, or on individuals performing similar functions and with similar authorities as such officer or officers, any of the sanctions described in paragraphs (1) through (8) that are applicable.

(c) TIMING OF SANCTIONS.—The President may impose sanctions required under subsection (a) with respect to a financial institution included in the report under section 1705(b) or an update to that report under section 1705(e) beginning on the day on which the financial institution is included in that report or update.

SEC. 1708. WAIVER, TERMINATION, EXCEPTIONS, AND CONGRESSIONAL REVIEW PROCESS.

(a) NATIONAL SECURITY WAIVER.—Unless a disapproval resolution is enacted under subsection (d), the President may waive the application of sanctions under section 1706 or 1707 with respect to a foreign person or foreign financial institution if the President—

(1) determines that the waiver is in the national security interest of the United States; and

(2) submits to the appropriate congressional committees and leadership a report on the determination and the reasons for the determination.

(b) TERMINATION OF SANCTIONS AND REMOVAL FROM REPORT.—Unless a disapproval resolution is enacted under subsection (d), the President may terminate the application of sanctions under section 1706 or 1707 with respect to a foreign person or foreign financial institution and remove the foreign person from the report required under section 1705(a) or the foreign financial institution from the report required under section 1705(b), as the case may be, if the Secretary of State, in consultation with the Secretary of the Treasury, determines that the actions taken by the foreign person or foreign financial institution that led to the imposition of sanctions—

(1) do not have a significant and lasting negative effect that contravenes the obligations of China under the Joint Declaration and the Basic Law;

(2) are not likely to be repeated in the future; and

(3) have been reversed or otherwise mitigated through positive countermeasures taken by that foreign person or foreign financial institution.

(c) TERMINATION OF ACT.—

(1) REPORT.—

(A) IN GENERAL.—Not later than July 1, 2046, the President, in consultation with the Secretary of State, the Secretary of the Treasury, and the heads of such other Federal agencies as the President considers appropriate, shall submit to Congress a report evaluating the implementation of this title and sanctions imposed pursuant to this title.

(B) ELEMENTS.—The President shall include in the report submitted under subparagraph (A) an assessment of whether this title and the sanctions imposed pursuant to this title should be terminated.

(2) TERMINATION.—This title and the sanctions imposed pursuant to this title shall remain in effect unless a termination resolution is enacted under subsection (e) after July 1, 2047.

(d) CONGRESSIONAL REVIEW.—

(1) RESOLUTIONS.—

(A) DISAPPROVAL RESOLUTION.—In this section, the term ''disapproval resolution'' means only a joint resolution of either House of Congress—

(i) the title of which is as follows: ''A joint resolution disapproving the waiver or termination of sanctions with respect to a foreign person that contravenes the obligations of China with respect to Hong Kong or a foreign financial institution that conducts a significant transaction with that person.''; and

(ii) the sole matter after the resolving clause of which is the following: ''Congress disapproves of the action under section 1708 of the Hong Kong Autonomy Act relating to the application of sanctions imposed with respect to a foreign person that contravenes the obligations of China with respect to Hong Kong, or a foreign financial institution that conducts a significant transaction with that person, on _____ relating to _____.'', with the first blank space being filled with the appropriate date and the second blank space being filled with a short description of the proposed action.

(B) TERMINATION RESOLUTION.—In this section, the term ''termination resolution'' means only a joint resolution of either House of Congress—

(i) the title of which is as follows: ''A joint resolution terminating sanctions with respect to foreign persons that contravene the obligations of China with respect to Hong Kong and foreign financial institutions that conduct significant transactions with those persons.''; and

(ii) the sole matter after the resolving clause of which is the following: ''The Hong Kong Autonomy Act and any sanctions imposed pursuant to that Act shall terminate on _____.'', with the blank space being filled with the termination date.

(C) COVERED RESOLUTION.—In this subsection, the term ''covered resolution'' means a disapproval resolution or a termination resolution.

(2) INTRODUCTION.—A covered resolution may be introduced—

(A) in the House of Representatives, by the majority leader or the minority leader; and

(B) in the Senate, by the majority leader (or the majority leader's designee) or the minority leader (or the minority leader's designee).

(3) FLOOR CONSIDERATION IN HOUSE OF REPRESENTATIVES.—If a committee of the House of Representatives to which a covered resolution has been referred has not reported the resolution within 10 calendar days after the date of referral, that committee shall be discharged from further consideration of the resolution.

(4) CONSIDERATION IN THE SENATE.—

(A) COMMITTEE REFERRAL.—

(i) DISAPPROVAL RESOLUTION.—A disapproval resolution introduced in the Senate shall be—

(I) referred to the Committee on Banking, Housing, and Urban Affairs if the resolution relates to an action that is not intended to significantly alter United States foreign policy with regard to China; and

(II) referred to the Committee on Foreign Relations if the resolution relates to an action that is intended to significantly alter United States foreign policy with regard to China.

(ii) TERMINATION RESOLUTION.—A termination resolution introduced in the Senate shall be referred to the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations.

(B) REPORTING AND DISCHARGE.—If a committee to which a covered resolution was referred has not reported the resolution within 10 calendar days after the date of referral of the resolution, that committee shall be discharged from further consideration of the resolution and the resolution shall be placed on the appropriate calendar.

(C) PROCEEDING TO CONSIDERATION.—Notwithstanding Rule XXII of the Standing Rules of the Senate, it is in order at any time after the Committee on Banking, Housing, and Urban Affairs or the Committee on Foreign Relations, as the case may be, reports a covered resolution to the Senate or has been discharged from consideration of such a resolution (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution, and all points of order against the resolution (and against consideration of the resolution) are waived. The motion to proceed is not debatable. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

(D) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate, as the case may be, to the procedure relating to a covered resolution shall be decided without debate.

(E) CONSIDERATION OF VETO MESSAGES.—Debate in the Senate of any veto message with respect to a covered resolution, including all debatable motions and appeals in connection with the resolution, shall be limited to 10 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(5) RULES RELATING TO SENATE AND HOUSE OF REPRESENTATIVES.—

(A) TREATMENT OF SENATE RESOLUTION IN HOUSE.—In the House of Representatives, the following procedures shall apply to a covered resolution received from the Senate (unless the House has already passed a resolution relating to the same proposed action):

(i) The resolution shall be referred to the appropriate committees.

(ii) If a committee to which a resolution has been referred has not reported the resolution within 2 calendar days after the date of referral, that committee shall be discharged from further consideration of the resolution.

(iii) Beginning on the third legislative day after each committee to which a resolution has been referred reports the resolution to the House or has been discharged from further consideration thereof, it shall be in order to move to proceed to consider the resolution in the House. All points of order against the motion are waived. Such a motion shall not be in order after the House has disposed of a motion to proceed on the resolution. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. The motion shall not be debatable. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

(iv) The resolution shall be considered as read. All points of order against the resolution and against its consideration are waived. The previous question shall be considered as ordered on the resolution to final passage without intervening motion except 2 hours of debate equally divided and controlled by the sponsor of the resolution (or a designee) and an opponent. A motion to reconsider the vote on passage of the resolution shall not be in order.

(B) TREATMENT OF HOUSE RESOLUTION IN SENATE.—

(i) RECEIVED BEFORE PASSAGE OF SENATE RESOLUTION.—If, before the passage by the Senate of a covered resolution, the Senate receives an identical resolution from the House of Representatives, the following procedures shall apply:

(I) That resolution shall not be referred to a committee.

(II) With respect to that resolution—

(aa) the procedure in the Senate shall be the same as if no resolution had been received from the House of Representatives; but

(bb) the vote on passage shall be on the resolution from the House of Representatives.

(ii) RECEIVED AFTER PASSAGE OF SENATE RESOLUTION.—If, following passage of a covered resolution in the Senate, the Senate receives an identical resolution from the House of Representatives, that resolution shall be placed on the appropriate Senate calendar.

(iii) NO SENATE COMPANION.—If a covered resolution is received from the House of Representatives, and no companion resolution has been introduced in the Senate, the Senate procedures under this subsection shall apply to the resolution from the House of Representatives.

(C) APPLICATION TO REVENUE MEASURES.—The provisions of this paragraph shall not apply in the House of Representatives to a covered resolution that is a revenue measure.

(6) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such is deemed a part of the rules of each House, respectively, and supersedes other rules only to the extent that it is inconsistent with such rules; and

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

SEC. 1709. IMPLEMENTATION; PENALTIES.

(a) 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 the extent necessary to carry out this title.

(b) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of section 1706 or 1707 or any regulation, license, or order issued to carry out that 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.

SEC. 1710. RULE OF CONSTRUCTION.

Nothing in this title shall be construed as an authorization of military force against China.

SEC. 1711. 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 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.

SA 2278. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. _____. SECRETARY OF DEFENSE BRIEFING ON POWERED EXOSKELETONS AND HUMAN CONTROLLED ROBOTS FOR HEAVY LIFT SUSTAINMENT TASKS.

Not later than March 1, 2021, the Secretary of Defense shall provide to Congress a briefing on the research and development efforts of the Department of Defense for the use of full-body, autonomously powered exoskeletons and semi-autonomous or teleoperated single or dual-armed, human controlled robots used for heavy lift sustainment tasks.

SA 2279. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REPORT ON EMERGING TECHNOLOGIES FOR THE DEMILITARIZATION OF UNSERVICEABLE AMMUNITION OVERSEAS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall submit to Congress a report setting forth an assessment of various emerging technologies for the demilitarization of unserviceable ammunition overseas the use of which could result in savings by avoiding the expense of the transportation of such ammunition to the United States for demilitarization.

SA 2280. Mr. LEE (for himself and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 234.

Strike section 1083.

SA 2281. Mr. HOEVEN (for himself, Mr. UDALL, Mr. BARRASSO, Ms. MURKOWSKI, Ms. MCSALLY, Mr. TESTER, Mr. SCHATZ, Mr. CRAMER, Ms. SMITH, and Mr. DAINES) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION E—NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION REAUTHORIZATION

SEC. 5101. SHORT TITLE.

This division may be cited as the ''Native American Housing Assistance and Self-Determination Reauthorization Act of 2020''.

SEC. 5102. CONSOLIDATION OF ENVIRONMENTAL REVIEW REQUIREMENTS.

Section 105 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4115) is amended by adding at the end the following:

''(e) CONSOLIDATION OF ENVIRONMENTAL REVIEW REQUIREMENTS.—

''(1) IN GENERAL.—In the case of a recipient of grant amounts under this Act that is carrying out a project that qualifies as an affordable housing activity under section 202, if the recipient is using 1 or more additional sources of Federal funds to carry out the project, and the grant amounts received under this Act constitute the largest single source of Federal funds that the recipient reasonably expects to commit to the project at the time of environmental review, the Indian tribe of the recipient may assume, in addition to all of the responsibilities for environmental review, decision making, and action under subsection (a), all of the additional responsibilities for environmental review, decision making, and action under provisions of law that would apply to each Federal agency providing additional funding were the Federal agency to carry out the project as a Federal project.

''(2) DISCHARGE.—The assumption by the Indian tribe of the additional responsibilities for environmental review, decision making, and action under paragraph (1) with respect to a project shall be deemed to discharge the responsibility of the applicable Federal agency for environmental review, decision making, and action with respect to the project.

''(3) CERTIFICATION.—An Indian tribe that assumes the additional responsibilities under paragraph (1), shall certify, in addition to the requirements under subsection (c)—

''(A) the additional responsibilities that the Indian tribe has fully carried out under this subsection; and

''(B) that the certifying officer consents to assume the status of a responsible Federal official under the provisions of law that would apply to each Federal agency providing additional funding under paragraph (1).

''(4) LIABILITY.—

''(A) IN GENERAL.—An Indian tribe that completes an environmental review under this subsection shall assume sole liability for the content and quality of the review.

''(B) REMEDIES AND SANCTIONS.—Except as provided in subparagraph (C), if the Secretary approves a certification and release of funds to an Indian tribe for a project in accordance with subsection (b), but the Secretary or the head of another Federal agency providing funding for the project subsequently learns that the Indian tribe failed to

carry out the responsibilities of the Indian tribe as described in subsection (a) or paragraph (1), as applicable, the Secretary or other head, as applicable, may impose appropriate remedies and sanctions in accordance with—

''(i) the regulations issued pursuant to section 106; or

''(ii) such regulations as are issued by the other head.

''(C) STATUTORY VIOLATION WAIVERS.—If the Secretary waives the requirements under this section in accordance with subsection (d) with respect to a project for which an Indian tribe assumes additional responsibilities under paragraph (1), the waiver shall prohibit any other Federal agency providing additional funding for the project from imposing remedies or sanctions for failure to comply with requirements for environmental review, decision making, and action under provisions of law that would apply to the Federal agency.''.

SEC. 5103. AUTHORIZATION OF APPROPRIATIONS.

Section 108 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4117) is amended, in the first sentence, by striking ''2009 through 2013'' and inserting ''2021 through 2031''.

SEC. 5104. STUDENT HOUSING ASSISTANCE.

Section 202(3) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4132(3)) is amended by inserting ''including education-related stipends, college housing assistance, and other education-related assistance for low-income college students,'' after ''self-sufficiency and other services,''.

SEC. 5105. APPLICATION OF RENT RULE ONLY TO UNITS OWNED OR OPERATED BY INDIAN TRIBE OR TRIBALLY DESIGNATED HOUSING ENTITY.

Section 203(a)(2) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4133(a)(2)) is amended by inserting ''owned or operated by a recipient and'' after ''residing in a dwelling unit''.

SEC. 5106. PROGRAM REQUIREMENTS.

Section 203(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4133(a)) (as amended by section 5) is amended—

(1) in paragraph (1), by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)'';

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following:

''(2) APPLICATION OF TRIBAL POLICIES.—Paragraph (3) shall not apply if—

''(A) the recipient has a written policy governing rents and homebuyer payments charged for dwelling units; and

''(B) that policy includes a provision governing maximum rents or homebuyer payments, *including tenant protections*.''; and

(4) in paragraph (3) (as so redesignated), by striking ''In the case of'' and inserting ''In the absence of a written policy governing rents and homebuyer payments, in the case of''.

SEC. 5107. DE MINIMIS EXEMPTION FOR PROCUREMENT OF GOODS AND SERVICES.

Section 203(g) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4133(g)) is amended by striking ''$5,000'' and inserting ''$10,000''.

SEC. 5108. HOMEOWNERSHIP OR LEASE-TO-OWN LOW-INCOME REQUIREMENT AND INCOME TARGETING.

Section 205 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4135) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (C), by striking ''and'' at the end; and

(B) by adding at the end the following:

''(E) notwithstanding any other provision of this paragraph, in the case of rental housing that is made available to a current rental family for conversion to a homebuyer or a lease-purchase unit, that the current rental family can purchase through a contract of sale, lease-purchase agreement, or any other sales agreement, is made available for purchase only by the current rental family, if the rental family was a low-income family at the time of their initial occupancy of such unit; and''; and

(2) in subsection (c)—

(A) by striking ''The provisions'' and inserting the following:

''(1) IN GENERAL.—The provisions''; and

(B) by adding at the end the following:

''(2) APPLICABILITY TO IMPROVEMENTS.—The provisions of subsection (a)(2) regarding binding commitments for the remaining useful life of property shall not apply to improvements of privately owned homes if the cost of the improvements do not exceed 10 percent of the maximum total development cost for the home.''.

SEC. 5109. LEASE REQUIREMENTS AND TENANT SELECTION.

Section 207 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4137) is amended by adding at the end the following:

''(c) NOTICE OF TERMINATION.—The notice period described in subsection (a)(3) shall apply to projects and programs funded in part by amounts authorized under this Act.''.

SEC. 5110. INDIAN HEALTH SERVICE.

(a) IN GENERAL.—Subtitle A of title II of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4131 et seq.) is amended by adding at the end the following:

''SEC. 211. IHS SANITATION FACILITIES CONSTRUCTION.

''Notwithstanding any other provision of law, the Director of the Indian Health Service, or a recipient receiving funding for a housing construction or renovation project under this title, may use funding from the Indian Health Service for the construction of sanitation facilities under that project.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (Public Law 104–330; 110 Stat. 4016) is amended by inserting after the item relating to section 210 the following:

''Sec. 211. IHS sanitation facilities construction.''.

SEC. 5111. STATUTORY AUTHORITY TO SUSPEND GRANT FUNDS IN EMERGENCIES.

Section 401(a)(4) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4161(a)(4)) is amended—

(1) in subparagraph (A), by striking ''may take an action described in paragraph (1)(C)'' and inserting ''may immediately take an action described in paragraph (1)(C)''; and

(2) by striking subparagraph (B) and inserting the following:

''(B) PROCEDURAL REQUIREMENTS.—

''(i) IN GENERAL.—If the Secretary takes an action described in subparagraph (A), the Secretary shall provide notice to the recipient at the time that the Secretary takes that action.

''(ii) NOTICE REQUIREMENTS.—The notice under clause (i) shall inform the recipient that the recipient may request a hearing by not later than 30 days after the date on which the Secretary provides the notice.

''(iii) HEARING REQUIREMENTS.—A hearing requested under clause (ii) shall be conducted—

''(I) in accordance with subpart A of part 26 of title 24, Code of Federal Regulations (or successor regulations); and

''(II) to the maximum extent practicable, on an expedited basis.

''(iv) FAILURE TO CONDUCT A HEARING.—If a hearing requested under clause (ii) is not completed by the date that is 180 days after the date on which the recipient requests the hearing, the action of the Secretary to limit the availability of payments shall no longer be effective.''.

SEC. 5112. REPORTS TO CONGRESS.

Section 407 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4167) is amended—

(1) in subsection (a), by striking ''Congress'' and inserting ''Committee on Indian Affairs and the Committee on Banking, Housing and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives''; and

(2) by adding at the end the following:

''(c) PUBLIC AVAILABILITY.—The report described in subsection (a) shall be made publicly available, including to recipients.''.

SEC. 5113. 99-YEAR LEASEHOLD INTEREST IN TRUST OR RESTRICTED LANDS FOR HOUSING PURPOSES.

Section 702 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4211) is amended—

(1) in the section heading, by striking ''**50-YEAR**'' and inserting ''**99-YEAR**'';

(2) in subsection (b), by striking ''50 years'' and inserting ''99 years''; and

(3) in subsection (c)(2), by striking ''50 years'' and inserting ''99 years''.

SEC. 5114. REAUTHORIZATION OF NATIVE HAWAIIAN HOMEOWNERSHIP PROVISIONS.

Section 824 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4243) is amended by striking ''such sums as may be necessary'' and all that follows through the period at the end and inserting ''such sums as may be necessary for each of fiscal years 2021 through 2031.''.

SEC. 5115. TOTAL DEVELOPMENT COST MAXIMUM PROJECT COST.

Affordable housing (as defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103)) that is developed, acquired, or assisted under the block grant program established under section 101 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111) shall not exceed by more than 20 percent, without prior approval of the Secretary of Housing and Urban Development, the total development cost maximum cost for all housing assisted under an affordable housing activity, including development and model activities.

SEC. 5116. COMMUNITY-BASED DEVELOPMENT ORGANIZATIONS.

Section 105 of the Housing and Community Development Act of 1974 (42 U.S.C. 5305) is amended by adding at the end the following:

''(i) INDIAN TRIBES AND TRIBALLY DESIGNATED HOUSING ENTITIES AS COMMUNITY-BASED DEVELOPMENT ORGANIZATIONS.—

''(1) DEFINITION.—In this subsection, the term 'tribally designated housing entity' has the meaning given the term in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).

''(2) QUALIFICATION.—An Indian tribe, a tribally designated housing entity, or a tribal organization shall qualify as a community-based development organization for purposes of carrying out new housing construction under this subsection under a grant made under section 106(a)(1).''.

SEC. 5117. INDIAN TRIBE ELIGIBILITY FOR HUD HOUSING COUNSELING GRANTS.

Section 106(a)(4) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(a)(4)) is amended—

(1) in subparagraph (A)—

(A) by striking ''and'' and inserting a comma; and

(B) by inserting before the period at the end the following: '', Indian tribes, and tribally designated housing entities'';

(2) in subparagraph (B), by inserting '', Indian tribes, and tribally designated housing entities'' after ''organizations)'';

(3) by redesignating subparagraph (F) as subparagraph (G); and

(4) by inserting after subparagraph (E) the following:

''(F) DEFINITIONS.—In this paragraph, the terms 'Indian tribe' and 'tribally designated housing entity' have the meanings given those terms in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).''.

SEC. 5118. SECTION 184 INDIAN HOME LOAN GUARANTEE PROGRAM.

(a) IN GENERAL.—Section 184(b)(4) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a(b)(4)) is amended by—

(1) redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively, and adjusting the margins accordingly;

(2) by striking ''The loan'' and inserting the following:

''(A) IN GENERAL.—The loan'';

(3) in subparagraph (A), as so designated, by adding at the end the following:

''(v) Any entity certified as a community development financial institution by the Community Development Financial Institutions Fund established under section 104(a) of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4703(a)).''; and

(4) by adding at the end the following:

''(B) DIRECT GUARANTEE PROCESS.—

''(i) AUTHORIZATION.—The Secretary may authorize qualifying lenders to participate in a direct guarantee process for approving loans under this section.

''(ii) INDEMNIFICATION.—

''(I) IN GENERAL.—If the Secretary determines that a mortgage guaranteed through a direct guarantee process under this subparagraph was not originated in accordance with the requirements established by the Secretary, the Secretary may require the lender approved under this subparagraph to indemnify the Secretary for the loss, irrespective of whether the violation caused the mortgage default.

''(II) FRAUD OR MISREPRESENTATION.—If fraud or misrepresentation is involved in a direct guarantee process under this subparagraph, the Secretary shall require the original lender approved under this subparagraph to indemnify the Secretary for the loss regardless of when an insurance claim is paid.

''(C) REVIEW OF MORTGAGEES.—

''(i) IN GENERAL.—The Secretary may periodically review the mortgagees originating, underwriting, or servicing single family mortgage loans under this section.

''(ii) REQUIREMENTS.—In conducting a review under clause (i), the Secretary—

''(I) shall compare the mortgagee with other mortgagees originating or underwriting loan guarantees for Indian housing based on the rates of defaults and claims for guaranteed mortgage loans originated, underwritten, or serviced by that mortgagee;

''(II) may compare the mortgagee with such other mortgagees based on underwriting quality, geographic area served, or any commonly used factors the Secretary determines necessary for comparing mortgage default risk, provided that the comparison is of factors that the Secretary would expect to affect the default risk of mortgage loans guaranteed by the Secretary;

''(iii) shall implement such comparisons by regulation, notice, or mortgagee letter; and

''(I) may terminate the approval of a mortgagee to originate, underwrite, or service loan guarantees for housing under this section if the Secretary determines that the mortgage loans originated, underwritten, or serviced by the mortgagee present an unacceptable risk to the Indian Housing Loan Guarantee Fund established under subsection (i)—

''(aa) based on a comparison of any of the factors set forth in this subparagraph; or

''(bb) by a determination that the mortgagee engaged in fraud or misrepresentation.''.

(b) LOAN GUARANTEES FOR INDIAN HOUSING.—Section 184(i)(5) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a(i)(5)) is amended—

(1) in subparagraph (B), by inserting after the first sentence the following: ''There are authorized to be appropriated for those costs such sums as may be necessary for each of fiscal years 2021 through 2031.''; and

(2) in subparagraph (C), by striking ''2008 through 2012'' and inserting ''2021 through 2031''.

SEC. 5119. LOAN GUARANTEES FOR NATIVE HAWAIIAN HOUSING.

Section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13b) is amended—

(1) in subsection (c)(4)(B)—

(A) by redesignating clause (iv) as clause (v); and

(B) by adding after clause (iii) the following:

''(iv) Any entity certified as a community development financial institution by the Community Development Financial Institutions Fund established under section 104(a) of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4703(a)).''; and

(2) in subsection (j)(5)(B), by inserting after the first sentence the following: ''There are authorized to be appropriated for those costs such sums as may be necessary for each of fiscal years 2021 through 2031.''.

SEC. 5120. PARTICIPATION OF INDIAN TRIBES AND TRIBALLY DESIGNATED HOUSING ENTITIES IN CONTINUUM OF CARE PROGRAM.

(a) IN GENERAL.—Title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360 et seq.) is amended—

(1) in section 401(8) (42 U.S.C. 11360(8)), by inserting ''Indian reservations and trust land,'' after ''nonentitlement area,''; and

(2) in subtitle C (42 U.S.C. 11381 et seq.), by adding at the end the following:

''SEC. 435. PARTICIPATION OF INDIAN TRIBES AND TRIBALLY DESIGNATED HOUSING ENTITIES.

''Notwithstanding any other provision of this title, for purposes of this subtitle, an Indian tribe or tribally designated housing entity (as defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103)) may—

''(1) be a collaborative applicant or eligible entity; or

''(2) receive grant amounts from another entity that receives a grant directly from the Secretary, and use the amounts in accordance with this subtitle.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 101(b) of the McKinney-Vento Homeless Assistance Act (Public Law 100–77; 101 Stat. 482) is amended by inserting after the item relating to section 434 the following:

''Sec. 435. Participation of Indian tribes and tribally designated housing entities.''.

SEC. 5121. ASSISTANT SECRETARY FOR INDIAN HOUSING.

The Department of Housing and Urban Development Act (42 U.S.C. 3531 et seq.) is amended—

(1) in section 4 (42 U.S.C. 3533)—

(A) in subsection (a)(1), by striking ''7'' and inserting ''8''; and

(B) in subsection (e)—

(i) by redesignating paragraph (2) as paragraph (4); and

(ii) by striking ''(e)(1)(A) There'' and all that follows through the end of paragraph (1) and inserting the following:

''(e)(1) There is established within the Department the Office of Native American Programs (in this subsection referred to as the 'Office') to be headed by an Assistant Secretary for Native American Programs (in this subsection referred to as the 'Assistant Secretary'), who shall be 1 of the Assistant Secretaries in subsection (a)(1).

''(2) The Assistant Secretary shall be responsible for—

''(A) administering, in coordination with the relevant office in the Department, the provision of housing assistance to Indian tribes or Indian housing authorities under each program of the Department that provides for such assistance;

''(B) administering the community development block grant program for Indian tribes under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) and the provision of assistance to Indian tribes under such Act;

''(C) directing, coordinating, and assisting in managing any regional offices of the Department that administer Indian programs to the extent of such programs; and

''(D) coordinating all programs of the Department relating to Indian and Alaska Native housing and community development.

''(3) The Secretary shall include in the annual report under section 8 a description of the extent of the housing needs for Indian families and community development needs of Indian tribes in the United States and the activities of the Department, and extent of such activities, in meeting such needs.''; and

(2) in section 8 (42 U.S.C. 3536), by striking ''section 4(e)(2)'' and inserting ''section 4(e)(4)''.

SEC. 5122. DRUG ELIMINATION PROGRAM.

(a) DEFINITIONS.—In this section:

(1) CONTROLLED SUBSTANCE.—The term ''controlled substance'' has the meaning given the term in section 102 of the Controlled Substances Act (21 U.S.C. 802).

(2) DRUG-RELATED CRIME.—The term ''drug-related crime'' means the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use a controlled substance.

(3) RECIPIENT.—The term ''recipient''—

(A) has the meaning given the term in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103); and

(B) includes a recipient of funds under title VIII of that Act (25 U.S.C. 4221 et seq.).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Housing and Urban Development.

(b) ESTABLISHMENT.—The Secretary may make grants under this section to recipients of assistance under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) for use in eliminating drug-related and violent crime.

(c) ELIGIBLE ACTIVITIES.—Grants under this section may be used for—

(1) the employment of security personnel;

(2) reimbursement of State, local, Tribal, or Bureau of Indian Affairs law enforcement agencies for additional security and protective services;

(3) physical improvements which are specifically designed to enhance security;

(4) the employment of 1 or more individuals—

(A) to investigate drug-related or violent crime in and around the real property comprising housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.); and

(B) to provide evidence relating to such crime in any administrative or judicial proceeding;

(5) the provision of training, communications equipment, and other related equipment for use by voluntary tenant patrols acting in cooperation with law enforcement officials;

(6) programs designed to reduce use of drugs in and around housing projects funded under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.), including drug-abuse prevention, intervention, referral, and treatment programs;

(7) providing funding to nonprofit resident management corporations and resident councils to develop security and drug abuse prevention programs involving site residents; and

(8) sports programs and sports activities that serve primarily youths from housing projects funded through and are operated in conjunction with, or in furtherance of, an organized program or plan designed to reduce or eliminate drugs and drug-related problems in and around those projects.

(d) APPLICATIONS.—

(1) IN GENERAL.—To receive a grant under this subsection, an eligible applicant shall submit an application to the Secretary, at such time, in such manner, and accompanied by—

(A) a plan for addressing the problem of drug-related or violent crime in and around of the housing administered or owned by the applicant for which the application is being submitted; and

(B) such additional information as the Secretary may reasonably require.

(2) CRITERIA.—The Secretary shall approve applications submitted under paragraph (1) on the basis of thresholds or criteria such as—

(A) the extent of the drug-related or violent crime problem in and around the housing or projects proposed for assistance;

(B) the quality of the plan to address the crime problem in the housing or projects proposed for assistance, including the extent to which the plan includes initiatives that can be sustained over a period of several years;

(C) the capability of the applicant to carry out the plan; and

(D) the extent to which tenants, the Tribal government, and the Tribal community support and participate in the design and implementation of the activities proposed to be funded under the application.

(e) HIGH INTENSITY DRUG TRAFFICKING AREAS.—In evaluating the extent of the drug-related crime problem pursuant to subsection (d)(2), the Secretary may consider whether housing or projects proposed for assistance are located in a high intensity drug trafficking area designated pursuant to section 707(b) of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1706(b)).

(f) REPORTS.—

(1) GRANTEE REPORTS.—The Secretary shall require grantees under this section to provide periodic reports that include the obligation and expenditure of grant funds, the progress made by the grantee in implementing the plan described in subsection (d)(1)(A), and any change in the incidence of drug-related crime in projects assisted under section.

(2) HUD REPORTS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the system used to distribute funding to grantees under this section, which shall include descriptions of—

(A) the methodology used to distribute amounts made available under this section among public housing agencies, including provisions used to provide for renewals of ongoing programs funded under this section; and

(B) actions taken by the Secretary to ensure that amounts made available under section are not used to fund baseline local government services, as described in subsection (h)(2).

(g) NOTICE OF FUNDING AWARDS.—The Secretary shall cause to be published in the Federal Register not less frequently than annually a notice of all grant awards made pursuant to section, which shall identify the grantees and the amount of the grants.

(h) MONITORING.—

(1) IN GENERAL.—The Secretary shall audit and monitor the program funded under this subsection to ensure that assistance provided under this subsection is administered in accordance with the provisions of section.

(2) PROHIBITION OF FUNDING BASELINE SERVICES.—

(A) IN GENERAL.—Amounts provided under this section may not be used to reimburse or support any local law enforcement agency or unit of general local government for the provision of services that are included in the baseline of services required to be provided by any such entity pursuant to a local cooperative agreement pursuant under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.) or any provision of an annual contributions contract for payments in lieu of taxation with the Bureau of Indian Affairs.

(B) DESCRIPTION.—Each grantee under this section shall describe, in the report under subsection (f)(1), such baseline of services for the unit of Tribal government in which the jurisdiction of the grantee is located.

(3) ENFORCEMENT.—The Secretary shall provide for the effective enforcement of this section, which may include the use of on-site monitoring, independent public audit requirements, certification by tribal or Federal law enforcement or Tribal government officials regarding the performance of baseline services referred to in paragraph (2), entering into agreements with the Attorney General to achieve compliance, and verification of compliance, with the provisions of this section, and any applicable enforcement authority provided to the Secretary under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.)

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each fiscal years 2021 through 2031 to carry out this section.

SEC. 5123. RENTAL ASSISTANCE FOR HOMELESS OR AT-RISK INDIAN VETERANS.

Section 8(o)(19) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(19)) is amended by adding at the end the following:

''(D) INDIAN VETERANS HOUSING RENTAL ASSISTANCE PROGRAM.—

''(i) DEFINITIONS.—In this subparagraph:

''(I) ELIGIBLE INDIAN VETERAN.—The term 'eligible Indian veteran' means an Indian veteran who is—

''(aa) homeless or at risk of homelessness; and

''(bb) living—

''(AA) on or near a reservation; or

''(BB) in or near any other Indian area.

''(II) ELIGIBLE RECIPIENT.—The term 'eligible recipient' means a recipient eligible to receive a grant under section 101 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111).

''(III) INDIAN; INDIAN AREA.—The terms 'Indian' and 'Indian area' have the meanings given those terms in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).

''(IV) INDIAN VETERAN.—The term 'Indian veteran' means an Indian who is a veteran.

''(V) PROGRAM.—The term 'Program' means the Tribal HUD–VASH program carried out under clause (ii).

''(VI) TRIBAL ORGANIZATION.—The term 'tribal organization' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

''(ii) PROGRAM SPECIFICATIONS.—The Secretary shall use not less than 5 percent of the amounts made available for rental assistance under this paragraph to carry out a rental assistance and supported housing program, to be known as the 'Tribal HUD–VASH program', in conjunction with the Secretary of Veterans Affairs, by awarding grants for the benefit of eligible Indian veterans.

''(iii) MODEL.—

''(I) IN GENERAL.—Except as provided in subclause (II), the Secretary shall model the Program on the rental assistance and supported housing program authorized under subparagraph (A) and applicable appropriations Acts, including administration in conjunction with the Secretary of Veterans Affairs.

''(II) EXCEPTIONS.—

''(aa) SECRETARY OF HOUSING AND URBAN DEVELOPMENT.—After consultation with Indian tribes, eligible recipients, and any other appropriate tribal organizations, the Secretary may make necessary and appropriate modifications to facilitate the use of the Program by eligible recipients to serve eligible Indian veterans.

''(bb) SECRETARY OF VETERANS AFFAIRS.—After consultation with Indian tribes, eligible recipients, and any other appropriate tribal organizations, the Secretary of Veterans Affairs may make necessary and appropriate modifications to facilitate the use of the Program by eligible recipients to serve eligible Indian veterans.

''(iv) ELIGIBLE RECIPIENTS.—The Secretary shall make amounts for rental assistance and associated administrative costs under the Program available in the form of grants to eligible recipients.

''(v) FUNDING CRITERIA.—The Secretary shall award grants under the Program based on—

''(I) need;

''(II) administrative capacity; and

''(III) any other funding criteria established by the Secretary in a notice published in the Federal Register after consulting with the Secretary of Veterans Affairs.

''(vi) ADMINISTRATION.—Grants awarded under the Program shall be administered in accordance with the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.), except that recipients shall—

''(I) submit to the Secretary, in a manner prescribed by the Secretary, reports on the utilization of rental assistance provided under the Program; and

''(II) provide to the Secretary information specified by the Secretary to assess the effectiveness of the Program in serving eligible Indian veterans.

''(vii) CONSULTATION.—

''(I) GRANT RECIPIENTS; TRIBAL ORGANIZATIONS.—The Secretary, in coordination with the Secretary of Veterans Affairs, shall consult with eligible recipients and any other appropriate tribal organization on the design

of the Program to ensure the effective delivery of rental assistance and supportive services to eligible Indian veterans under the Program.

''(II) INDIAN HEALTH SERVICE.—The Director of the Indian Health Service shall provide any assistance requested by the Secretary or the Secretary of Veterans Affairs in carrying out the Program.

''(viii) WAIVER.—

''(I) IN GENERAL.—Except as provided in subclause (II), the Secretary may waive or specify alternative requirements for any provision of law (including regulations) that the Secretary administers in connection with the use of rental assistance made available under the Program if the Secretary finds that the waiver or alternative requirement is necessary for the effective delivery and administration of rental assistance under the Program to eligible Indian veterans.

''(II) EXCEPTION.—The Secretary may not waive or specify alternative requirements under subclause (I) for any provision of law (including regulations) relating to labor standards or the environment.

''(ix) RENEWAL GRANTS.—The Secretary may—

''(I) set aside, from amounts made available for tenant-based rental assistance under this subsection and without regard to the amounts used for new grants under clause (ii), such amounts as may be necessary to award renewal grants to eligible recipients that received a grant under the Program in a previous year; and

''(II) specify criteria that an eligible recipient must satisfy to receive a renewal grant under subclause (I), including providing data on how the eligible recipient used the amounts of any grant previously received under the Program.

''(x) REPORTING.—

''(I) IN GENERAL.—Not later than 1 year after the date of enactment of this subparagraph, and every 5 years thereafter, the Secretary, in coordination with the Secretary of Veterans Affairs and the Director of the Indian Health Service, shall—

''(aa) conduct a review of the implementation of the Program, including any factors that may have limited its success; and

''(bb) submit a report describing the results of the review under item (aa) to—

''(AA) the Committee on Indian Affairs, the Committee on Banking, Housing, and Urban Affairs, the Committee on Veterans' Affairs, and the Committee on Appropriations of the Senate; and

''(BB) the Subcommittee on Indian, Insular and Alaska Native Affairs of the Committee on Natural Resources, the Committee on Financial Services, the Committee on Veterans' Affairs, and the Committee on Appropriations of the House of Representatives.

''(II) ANALYSIS OF HOUSING STOCK LIMITATION.—The Secretary shall include in the initial report submitted under subclause (I) a description of—

''(aa) any regulations governing the use of formula current assisted stock (as defined in section 1000.314 of title 24, Code of Federal Regulations (or any successor regulation)) within the Program;

''(bb) the number of recipients of grants under the Program that have reported the regulations described in item (aa) as a barrier to implementation of the Program; and

''(cc) proposed alternative legislation or regulations developed by the Secretary in consultation with recipients of grants under the Program to allow the use of formula current assisted stock within the Program.''.

SEC. 5124. LEVERAGING.

All funds provided under a grant made pursuant to this division or the amendments made by this division may be used for purposes of meeting matching or cost participation requirements under any other Federal or non-Federal program, provided that such grants made pursuant to the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) are spent in accordance with that Act.

SA 2282. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XVI, add the following:

SEC. 1656. SENSE OF THE SENATE ON IMPORTANCE OF THE NUCLEAR FORCES OF THE UNITED STATES.

It is the sense of the Senate that—

(1) United States Strategic Command, its subordinate commands, and the forces of the Air Force and Navy assigned to nuclear missions, should be commended for the prudent, timely, and comprehensive action taken to protect the health and safety of their members from the coronavirus disease 2019 (commonly referred to as ''COVID–19'');

(2) modernized nuclear forces of the United States are critical for long-term strategic competition; and

(3) the complete nuclear modernization program should remain a top priority, including modernization of the nuclear triad, supporting infrastructure, and nuclear command, control, and communications systems, as described in the 2018 Nuclear Posture Review.

SA 2283. Ms. COLLINS (for herself, Mr. HEINRICH, and Ms. SMITH) submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 3___. BETTER ENERGY STORAGE TECHNOLOGY.

(a) DEFINITIONS.—In this section:

(1) DEPARTMENT.—The term ''Department'' means the Department of Energy.

(2) ENERGY STORAGE SYSTEM.—The term ''energy storage system'' means any system, equipment, facility, or technology that—

(A) is capable of absorbing or converting energy, storing the energy for a period of time, and dispatching the energy; and

(B)(i) uses mechanical, electrochemical, thermal, electrolysis, or other processes to convert and store electric energy that was generated at an earlier time for use at a later time; or

(ii) stores energy in an electric, thermal, or gaseous state for direct use for heating or cooling at a later time in a manner that avoids the need to use electricity or other fuel sources at that later time, such as a grid-enabled water heater.

(3) 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).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(b) ENERGY STORAGE SYSTEM RESEARCH, DEVELOPMENT, AND DEPLOYMENT PROGRAM.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a program, to be known as the ''Energy Storage System Research, Development, and Deployment Program'' (referred to in this subsection as the ''program'').

(2) INITIAL PROGRAM OBJECTIVES.—The program shall focus on research, development, and deployment of—

(A) energy storage systems designed to further the development of technologies—

(i) for large-scale commercial deployment;

(ii) for deployment at cost targets established by the Secretary;

(iii) for hourly and subhourly durations required to provide reliability services to the grid;

(iv) for daily durations, which have—

(I) the capacity to discharge energy for a minimum of 6 hours; and

(II) a system lifetime of at least 20 years under regular operation;

(v) for weekly or monthly durations, which have—

(I) the capacity to discharge energy for 10 to 100 hours, at a minimum; and

(II) a system lifetime of at least 20 years under regular operation; and

(vi) for seasonal durations, which have—

(I) the capability to address seasonal variations in supply and demand; and

(II) a system lifetime of at least 20 years under regular operation;

(B) distributed energy storage technologies and applications, including building-grid integration;

(C) transportation energy storage technologies and applications, including vehicle-grid integration;

(D) cost-effective systems and methods for—

(i) the reclamation, recycling, and disposal of energy storage materials, including lithium, cobalt, nickel, and graphite; and

(ii) the reuse and repurposing of energy storage system technologies;

(E) advanced control methods for energy storage systems;

(F) pumped hydroelectric energy storage systems to advance—

(i) adoption of innovative technologies, including—

(I) adjustable-speed, ternary, and other new pumping and generating equipment designs;

(II) modular systems;

(III) closed-loop systems, including mines and quarries; and

(IV) other critical equipment and materials for pumped hydroelectric energy storage, as determined by the Secretary; and

(ii) reductions of equipment costs, civil works costs, and construction times for pumped hydroelectric energy storage projects, with the goal of reducing those costs by 50 percent;

(G) models and tools to demonstrate the benefits of energy storage to—

(i) power and water supply systems;

(ii) electric generation portfolio optimization; and

(iii) expanded deployment of other renewable energy technologies, including in hybrid energy storage systems; and

(H) energy storage use cases from individual and combination technology applications, including value from various-use cases and energy storage services.

(3) TESTING AND VALIDATION.—In coordination with 1 or more National Laboratories, the Secretary shall accelerate the development, standardized testing, and validation of energy storage systems under the program

by developing testing and evaluation methodologies for—

(A) storage technologies, controls, and power electronics for energy storage systems under a variety of operating conditions;

(B) standardized and grid performance testing for energy storage systems, materials, and technologies during each stage of development, beginning with the research stage and ending with the deployment stage;

(C) reliability, safety, and durability testing under standard and evolving duty cycles; and

(D) accelerated life testing protocols to predict estimated lifetime metrics with accuracy.

(4) PERIODIC EVALUATION OF PROGRAM OBJECTIVES.—Not less frequently than once every calendar year, the Secretary shall evaluate and, if necessary, update the program objectives to ensure that the program continues to advance energy storage systems toward widespread commercial deployment by lowering the costs and increasing the duration of energy storage resources.

(5) ENERGY STORAGE STRATEGIC PLAN.—

(A) IN GENERAL.—The Secretary shall develop a 10-year strategic plan for the program, and update the plan, in accordance with this paragraph.

(B) CONTENTS.—The strategic plan developed under subparagraph (A) shall—

(i) be coordinated with and integrated across other relevant offices in the Department;

(ii) to the extent practicable, include metrics that can be used to evaluate storage technologies;

(iii) identify Department programs that—

(I) support the research and development activities described in paragraph (2) and the demonstration projects under subsection (c); and

(II)(aa) do not support the activities or projects described in subclause (I); but

(bb) are important to the development of energy storage systems and the mission of the Department, as determined by the Secretary;

(iv) include expected timelines for—

(I) the accomplishment of relevant objectives under current programs of the Department relating to energy storage systems; and

(II) the commencement of any new initiatives within the Department relating to energy storage systems to accomplish those objectives; and

(v) incorporate relevant activities described in the Grid Modernization Initiative Multi-Year Program Plan.

(C) SUBMISSION TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committees on Energy and Commerce and Science, Space, and Technology of the House of Representatives the strategic plan developed under subparagraph (A).

(D) UPDATES TO PLAN.—The Secretary—

(i) shall annually review the strategic plan developed under subparagraph (A); and

(ii) may periodically revise the strategic plan as appropriate.

(6) LEVERAGING OF RESOURCES.—The program may be led by a specific office of the Department, but shall be cross-cutting in nature, so that in carrying out activities under the program, the Secretary (or a designee of the Secretary charged with leading the program) shall leverage existing Federal resources, including, at a minimum, the expertise and resources of—

(A) the Office of Electricity Delivery and Energy Reliability;

(B) the Office of Energy Efficiency and Renewable Energy, including the Water Power Technologies Office; and

(C) the Office of Science, including—

(i) the Basic Energy Sciences Program;

(ii) the Advanced Scientific Computing Research Program;

(iii) the Biological and Environmental Research Program; and

(D) the Electricity Storage Research Initiative established under section 975 of the Energy Policy Act of 2005 (42 U.S.C. 16315).

(7) PROTECTING PRIVACY AND SECURITY.—In carrying out this subsection, the Secretary shall identify, incorporate, and follow best practices for protecting the privacy of individuals and businesses and the respective sensitive data of the individuals and businesses, including by managing privacy risk and implementing the Fair Information Practice Principles of the Federal Trade Commission for the collection, use, disclosure, and retention of individual electric consumer information in accordance with the Office of Management and Budget Circular A–130 (or successor circulars).

(c) ENERGY STORAGE DEMONSTRATION PROJECTS; PILOT GRANT PROGRAM.—

(1) DEMONSTRATION PROJECTS.—Not later than September 30, 2023, the Secretary shall, to the maximum extent practicable, enter into agreements to carry out not fewer than 5 energy storage system demonstration projects, including at least 1 energy storage system demonstration project designed to further the development of technologies described in clause (v) or (vi) of subsection (b)(2)(A).

(2) ENERGY STORAGE PILOT GRANT PROGRAM.—

(A) DEFINITION OF ELIGIBLE ENTITY.—In this paragraph, the term ''eligible entity'' means—

(i) a State energy office (as defined in section 124(a) of the Energy Policy Act of 2005 (42 U.S.C. 15821(a)));

(ii) an Indian tribe (as defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103);

(iii) a tribal organization (as defined in section 3765 of title 38, United States Code);

(iv) an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001));

(v) an electric utility, including—

(I) an electric cooperative;

(II) a political subdivision of a State, such as a municipally owned electric utility, or any agency, authority, corporation, or instrumentality of a State political subdivision; and

(III) an investor-owned utility; and

(vi) a private energy storage company.

(B) ESTABLISHMENT.—The Secretary shall establish a competitive grant program under which the Secretary shall award grants to eligible entities to carry out demonstration projects for pilot energy storage systems.

(C) SELECTION REQUIREMENTS.—In selecting eligible entities to receive a grant under subparagraph (B), the Secretary shall, to the maximum extent practicable—

(i) ensure regional diversity among eligible entities awarded grants, including ensuring participation of eligible entities that are rural States and States with high energy costs;

(ii) ensure that grants are awarded for demonstration projects that—

(I) expand on the existing technology demonstration programs of the Department;

(II) are designed to achieve 1 or more of the objectives described in subparagraph (D); and

(III) inject or withdraw energy from the bulk power system, electric distribution system, building energy system, or microgrid (grid-connected or islanded mode) where the project is located; and

(iii) give consideration to proposals from eligible entities for securing energy storage through competitive procurement or contract for service.

(D) OBJECTIVES.—Each demonstration project carried out by a grant awarded under subparagraph (B) shall have 1 or more of the following objectives:

(i) To improve the security of critical infrastructure and emergency response systems.

(ii) To improve the reliability of transmission and distribution systems, particularly in rural areas, including high-energy-cost rural areas.

(iii) To optimize transmission or distribution system operation and power quality to defer or avoid costs of replacing or upgrading electric grid infrastructure, including transformers and substations.

(iv) To supply energy at peak periods of demand on the electric grid or during periods of significant variation of electric grid supply.

(v) To reduce peak loads of homes and businesses.

(vi) To improve and advance power conversion systems.

(vii) To provide ancillary services for grid stability and management.

(viii) To integrate renewable energy resource production.

(ix) To increase the feasibility of microgrids (grid-connected or islanded mode).

(x) To enable the use of stored energy in forms other than electricity to support the natural gas system and other industrial processes.

(xi) To integrate fast charging of electric vehicles.

(xii) To improve energy efficiency.

(3) REPORTS.—Not less frequently than once every 2 years for the duration of the programs under paragraphs (1) and (2), the Secretary shall submit to Congress and make publicly available a report describing the performance of those programs.

(4) NO PROJECT OWNERSHIP INTEREST.—The Federal Government shall not hold any equity or other ownership interest in any energy storage system that is part of a project under this subsection unless the holding is agreed to by each participant of the project.

(d) TECHNICAL AND PLANNING ASSISTANCE PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(i) an electric cooperative;

(ii) a political subdivision of a State, such as a municipally owned electric utility, or any agency, authority, corporation, or instrumentality of a State political subdivision;

(iii) a not-for-profit entity that is in a partnership with not less than 6 entities described in clause (i) or (ii); and

(iv) an investor-owned utility.

(B) PROGRAM.—The term ''program'' means the technical and planning assistance program established under paragraph (2)(A).

(2) ESTABLISHMENT.—

(A) IN GENERAL.—The Secretary shall establish a technical and planning assistance program to assist eligible entities in identifying, evaluating, planning, designing, and developing processes to procure energy storage systems.

(B) ASSISTANCE AND GRANTS.—Under the program, the Secretary shall—

(i) provide technical and planning assistance, including disseminating information, directly to eligible entities; and

(ii) award grants to eligible entities to contract to obtain technical and planning assistance from outside experts.

(C) FOCUS.—In carrying out the program, the Secretary shall focus on energy storage system projects that have the greatest potential for—

(i) strengthening the reliability and resiliency of energy infrastructure;

(ii) reducing the cost of energy storage systems;

(iii) improving the feasibility of microgrids (grid-connected or islanded mode), particularly in rural areas, including high energy cost rural areas;

(iv) reducing consumer electricity costs; or

(v) maximizing local job creation.

(3) TECHNICAL AND PLANNING ASSISTANCE.—

(A) IN GENERAL.—Technical and planning assistance provided under the program shall include assistance with 1 or more of the following activities relating to energy storage systems:

(i) Identification of opportunities to use energy storage systems.

(ii) Feasibility studies to assess the potential for development of new energy storage systems or improvement of existing energy storage systems.

(iii) Assessment of technical and economic characteristics, including a cost-benefit analysis.

(iv) Utility interconnection.

(v) Permitting and siting issues.

(vi) Business planning and financial analysis.

(vii) Engineering design.

(viii) Resource adequacy planning.

(ix) Resilience planning and valuation.

(B) EXCLUSION.—Technical and planning assistance provided under the program shall not be used to pay any person for influencing or attempting to influence an officer or employee of any Federal, State, or local agency, a Member of Congress, an employee of a Member of Congress, a State or local legislative body, or an employee of a State or local legislative body.

(4) INFORMATION DISSEMINATION.—The information disseminated under paragraph (2)(B)(i) shall include—

(A) information relating to the topics described in paragraph (3)(A), including case studies of successful examples;

(B) computational tools or software for assessment, design, and operation and maintenance of energy storage systems;

(C) public databases that track existing and planned energy storage systems;

(D) best practices for the utility and grid operator business processes associated with the topics described in paragraph (3)(A); and

(E) relevant State policies or regulations associated with the topics described in paragraph (3)(A).

(5) APPLICATIONS.—

(A) IN GENERAL.—The Secretary shall seek applications for the program—

(i) on a competitive, merit-reviewed basis; and

(ii) on a periodic basis, but not less frequently than once every 12 months.

(B) APPLICATION.—An eligible entity desiring to apply for the program shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including whether the eligible entity is applying for—

(i) direct technical or planning assistance under paragraph (2)(B)(i); or

(ii) a grant under paragraph (2)(B)(ii).

(C) PRIORITIES.—In selecting eligible entities for technical and planning assistance under the program, the Secretary shall give priority to eligible entities described in clauses (i) and (ii) of paragraph (1)(A).

(6) REPORTS.—The Secretary shall submit to Congress and make available to the public—

(A) not less frequently than once every 2 years, a report describing the performance of the program, including a synthesis and analysis of any information the Secretary requires grant recipients to provide to the Secretary as a condition of receiving a grant; and

(B) on termination of the program, an assessment of the success of, and education provided by, the measures carried out by eligible entities under the program.

(7) COST-SHARING.—Activities under this subsection shall be subject to the cost-sharing requirements under section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

(e) ENERGY STORAGE MATERIALS RECYCLING PRIZE COMPETITION.—Section 1008 of the Energy Policy Act of 2005 (42 U.S.C. 16396) is amended by adding at the end the following:

''(g) ENERGY STORAGE MATERIALS RECYCLING PRIZE COMPETITION.—

''(1) DEFINITION OF CRITICAL ENERGY STORAGE MATERIALS.—In this subsection, the term 'critical energy storage materials' includes—

''(A) lithium;

''(B) cobalt;

''(C) nickel;

''(D) graphite; and

''(E) any other material determined by the Secretary to be critical to the continued growing supply of energy storage resources.

''(2) PRIZE AUTHORITY.—

''(A) IN GENERAL.—As part of the program established under subsection (a), the Secretary shall establish an award program, to be known as the 'Energy Storage Materials Recycling Prize Competition' (referred to in this subsection as the 'program'), under which the Secretary shall carry out prize competitions and make awards to advance the recycling of critical energy storage materials.

''(B) FREQUENCY.—To the maximum extent practicable, the Secretary shall carry out a competition under the program not less frequently than once every calendar year.

''(3) ELIGIBILITY.—

''(A) IN GENERAL.—To be eligible to win a prize under the program, an individual or entity—

''(i) shall have complied with the requirements of the competition as described in the announcement for that competition published in the Federal Register by the Secretary under paragraph (6);

''(ii) in the case of a private entity, shall be incorporated in the United States and maintain a primary place of business in the United States;

''(iii) in the case of an individual, whether participating singly or in a group, shall be a citizen of, or an alien lawfully admitted for permanent residence in, the United States.

''(B) EXCLUSIONS.—The following entities and individuals shall not be eligible to win a prize under the program:

''(i) A Federal entity.

''(ii) A Federal employee (including an employee of a National Laboratory) acting within the scope of employment.

''(4) AWARDS.—In carrying out the program, the Secretary shall award cash prizes, in amounts to be determined by the Secretary, to each individual or entity selected through a competitive process to develop advanced methods or technologies to recycle critical energy storage materials from energy storage systems.

''(5) CRITERIA.—

''(A) IN GENERAL.—The Secretary shall establish objective, merit-based criteria for awarding the prizes in each competition carried out under the program.

''(B) REQUIREMENTS.—The criteria established under subparagraph (A) shall prioritize advancements in methods or technologies that present the greatest potential for large-scale commercial deployment.

''(C) CONSULTATION.—In establishing criteria under subparagraph (A), the Secretary shall consult with appropriate members of private industry involved in the commercial deployment of energy storage systems.

''(6) ADVERTISING AND SOLICITATION OF COMPETITORS.—

''(A) IN GENERAL.—The Secretary shall announce each prize competition under the program by publishing a notice in the Federal Register.

''(B) REQUIREMENTS.—Each notice published under subparagraph (A) shall describe the essential elements of the competition, such as—

''(i) the subject of the competition;

''(ii) the duration of the competition;

''(iii) the eligibility requirements for participation in the competition;

''(iv) the process for participants to register for the competition;

''(v) the amount of the prize; and

''(vi) the criteria for awarding the prize.

''(7) JUDGES.—

''(A) IN GENERAL.—For each prize competition under the program, the Secretary shall assemble a panel of qualified judges to select the winner or winners of the competition on the basis of the criteria established under paragraph (5).

''(B) SELECTION.—The judges for each competition shall include appropriate members of private industry involved in the commercial deployment of energy storage systems.

''(C) CONFLICTS.—An individual may not serve as a judge in a prize competition under the program if the individual, the spouse of the individual, any child of the individual, or any other member of the household of the individual—

''(i) has a personal or financial interest in, or is an employee, officer, director, or agent of, any entity that is a registered participant in the prize competition for which the individual will serve as a judge; or

''(ii) has a familial or financial relationship with a registered participant in the prize competition for which the individual will serve as a judge.

''(8) REPORT TO CONGRESS.—Not later than 60 days after the date on which the first prize is awarded under the program, and annually thereafter, the Secretary shall submit to Congress a report that—

''(A) identifies each award recipient;

''(B) describes the advanced methods or technologies developed by each award recipient; and

''(C) specifies actions being taken by the Department toward commercial application of all methods or technologies with respect to which a prize has been awarded under the program.

''(9) ANTI-DEFICIENCY ACT.—The Secretary shall carry out the program in accordance with section 1341 of title 31, United States Code (commonly referred to as the 'Anti-Deficiency Act').

''(10) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as are necessary for fiscal year 2021.''.

(f) REGULATORY ACTIONS TO ENCOURAGE ENERGY STORAGE DEPLOYMENT.—

(1) DEFINITIONS.—In this subsection:

(A) COMMISSION.—The term ''Commission'' means the Federal Energy Regulatory Commission.

(B) ELECTRIC STORAGE RESOURCE.—The term ''electric storage resource'' means a resource capable of receiving electric energy from the grid and storing that electric energy for later injection back into the grid.

(2) REGULATORY ACTION.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Commission shall issue a regulation to identify the eligibility of, and process for, electric storage resources—

(i) to receive cost recovery through Commission-regulated rates for the transmission of electric energy in interstate commerce; and

(ii) that receive cost recovery under clause (i) to receive compensation for other services (such as the sale of energy, capacity, or ancillary services) without regard to whether those services are provided concurrently with the transmission service described in clause (i).

(B) PROHIBITION OF DUPLICATE RECOVERY.—Any regulation issued under subparagraph (A) shall preclude the receipt of unjust and unreasonable double recovery for electric storage resources providing services described in clauses (i) and (ii) of that subparagraph.

(3) ELECTRIC STORAGE RESOURCES TECHNICAL CONFERENCE.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commission shall convene a technical conference on the potential for electric storage resources to improve the operation of electric systems.

(B) REQUIREMENTS.—The technical conference under subparagraph (A) shall—

(i) identify opportunities for further consideration of electric storage resources in regional and interregional transmission planning processes within the jurisdiction of the Commission;

(ii) identify all energy, capacity, and ancillary service products, market designs, or rules that—

(I) are within the jurisdiction of the Commission; and

(II) enable and compensate for the use of electric storage resources that improve the operation of electric systems;

(iii) examine additional products, market designs, or rules that would enable and compensate for the use of electric storage resources for improving the operation of electric systems; and

(iv) examine the functional value of electric storage resources at the transmission and distribution system interface for purposes of providing electric system reliability.

(g) COORDINATION.—To the maximum extent practicable, the Secretary shall coordinate the activities under this section (including activities conducted pursuant to the amendments made by this section) among the offices and employees of the Department, other Federal agencies, and other relevant entities—

(1) to ensure appropriate collaboration; and

(2) to avoid unnecessary duplication of those activities.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out each of subsections (b) through (d) such sums as are necessary for fiscal year 2021.

SA 2284. Mr. SASSE (for himself, Mr. SCOTT of South Carolina, Mr. COTTON, and Mr. SCOTT of Florida) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PILOT PROGRAM ON EDUCATION SAVINGS ACCOUNTS FOR MILITARY DEPENDENT CHILDREN.

(a) IN GENERAL.—From amounts made available under subsection (k), the Secretary shall carry out a pilot program under which the Secretary shall establish education savings accounts for eligible military students to enable such students to attend public or private elementary schools or secondary schools selected by the students' parents.

(b) DURATION.—The pilot program under this section shall begin with the first school year that begins after the date of enactment of this section and shall terminate at the end of the tenth school year that begins after such date of enactment.

(c) SCOPE OF PROGRAM.—The Secretary shall select 5 military installations to participate in the pilot program under this section. In making such selection, the Secretary shall choose the military installations at which eligible military students will derive the greatest benefit from expanded educational options, as determined by the Secretary, which may include considerations of—

(1) limited access to high-quality education options, including Department of Defense Education Activity schools and corresponding retention trends of service members with dependents;

(2) availability, cost, and proximity of nonpublic education options, including private schools and homeschool consortia; and

(3) site capacity to design, implement, and evaluate such a pilot. .

(d) DEPOSITS.—

(1) IN GENERAL.—The Secretary shall deposit funds in the amount specified in paragraph (2) into each education savings account established on behalf of an eligible military student under this section.

(2) AMOUNT OF DEPOSIT.—

(A) IN GENERAL.—The amount deposited into each education savings account awarded to an eligible military student shall be not more than $10,000 for each school year.

(B) ADJUSTMENT FOR INFLATION.—For each school year after the first full school year of the program, the Secretary shall adjust the amount specified in subparagraph (A) to reflect changes for the 12-month period ending the preceding June in the Chained Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

(e) RULES OF CONSTRUCTION.—

(1) IN GENERAL.—An amount awarded to a student under this section shall not be considered assistance to the school or other educational provider that enrolls, or provides educational services to, the student or the student's parents.

(2) NOT TREATED AS INCOME.—The amount awarded to a student under this section shall not be treated as income to the student or the parent of the student for purposes of Federal tax laws or for determining eligibility for any other Federal program.

(3) PROHIBITION OF CONTROL OVER NONPUBLIC EDUCATION PROVIDERS.—Nothing in this section shall be construed—

(A) to permit, allow, encourage, or authorize any Federal control over any aspect of any private, religious, or home education provider, whether or not a home education provider is treated as a private school or home school under State law; or

(B) to exclude private, religious, or home education providers from participation in programs or services under this section.

(f) ELIGIBLE USES OF FUNDS.—Funds deposited into an education savings account under this section for a school year may be used by the parent of an eligible military student to make payments to a qualified educational service provider that is approved by the Secretary under subsection (g) for—

(1) costs of attendance at a private elementary school or secondary school recognized by the State, which may include a private school that has a religious mission;

(2) online programs;

(3) tutoring services;

(4) services contracted for and provided by a public district, charter, or magnet elementary school or secondary school attended by the child on a less than full-time basis, including individual classes and extracurricular activities and programs;

(5) textbooks, curriculum programs, or other instructional materials, including any supplemental materials required by a curriculum program, private school, private online learning program, or a public school, or any parent directed curriculum associated with kindergarten through grade 12 education;

(6) educational services and therapies, including occupational, behavioral, physical, speech-language, and audiology therapies; or

(7) education technology needed to access remote learning, including internet access or hotspots and computer hardware, software, or other technological devices, including adaptive devices, not to exceed $1,000;

(8) concurrent and dual enrollment at a postsecondary institution, including for career and technical education experiences;

(9) academic, college, and career counseling services;

(10) testing preparation and examination fees, including Advanced Placement examinations, industry certification exams, State licensure exams, and any examinations related to college or university admission;

(11) application fees, including for public and non-public school students;

(12) fees for summer education programs and specialized afterschool education programs; or

(13) other education-related services and materials that are reasonable and necessary, as approved by the Secretary.

(g) REQUIREMENTS FOR QUALIFIED EDUCATIONAL SERVICE PROVIDERS.—The Secretary shall establish and maintain a registry of qualified educational service providers that are approved to receive payments from an education savings account established under this section. The Secretary shall approve a qualified educational service provider to receive such payments if the provider demonstrates to the Secretary that it is licensed in the State in which it operates to provide one or more of the services for which funds may be expended under subsection (f).

(h) PARTICIPATION IN ONLINE MARKET PLACE.—As a condition of receiving funds from an education savings account, a qualified educational service provider shall make its services available for purchase through the online marketplace described in subsection (i).

(i) ONLINE MARKETPLACE.—The Secretary shall seek to enter into a contract with a private-sector entity under which the entity shall—

(1) establish and operate an online marketplace that enables the holder of an education savings account to make direct purchases from qualified educational service providers using funds from such account;

(2) ensure that each qualified educational service provider on the registry maintained by the Secretary under subsection (g) has made its services available for purchase through the online marketplace;

(3) ensure that all purchases made through the online marketplace are for services that are allowable uses of funds under this section; and

(4) develop and make available a standardized expense report form, in electronic and hard copy formats, to be used by parents for reporting expenses.

(j) REPORTS.—

(1) ANNUAL REPORTS.—Not later than July 30 of the first year of the pilot program, and each subsequent year through the year in which the final report is submitted under paragraph (2), the Secretary shall prepare and submit to Congress an interim report on the accounts awarded under the pilot program under this section that includes the content described in paragraph (3) for the applicable school year of the report.

(2) FINAL REPORT.—Not later than 90 days after the end of the pilot program under this section, the Secretary shall prepare and submit to Congress a report on the accounts awarded under the pilot program that includes the content described in paragraph (3) for each school year of the program.

(3) CONTENT.—Each report under paragraphs (1) and (2) shall identify—

(A) the number of applicants for education savings accounts under this section;

(B) the number of elementary school students receiving education savings accounts under this section and the number of secondary school students receiving such savings accounts;

(C) the results of a survey, conducted by the Secretary, regarding parental satisfaction with the education savings account program under this section; and

(D) any other information the Secretary determines to be necessary to evaluate the effectiveness of the program.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $20,000,000 for each of fiscal years 2020 through 2030 to establish education savings accounts; and

(2) $1,000,000 for each of fiscal years 2020 through 2030 for administrative costs associated with operating the pilot program established under this section.

(l) DEFINITIONS.—In this section:

(1) ESEA DEFINITIONS.—The terms ''child'', ''elementary school'', and ''secondary school'' have the meanings given the terms in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) ELIGIBLE MILITARY STUDENT.—The term ''eligible military student'' means a child—

(A) who is a military dependent student;

(B) whose parent works on the military installation selected to participate in the program under this section; and

(C) who chooses to attend a participating school or purchase other approved education services, rather than attending the school otherwise assigned to the child.

(3) MILITARY DEPENDENT STUDENTS.—The term ''military dependent students'' has the meaning given the term in section 572(e) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 20 U.S.C. 7703b(e)).

(4) QUALIFIED EDUCATIONAL SERVICE PROVIDER.—The term ''qualified educational service provider'' means an entity or person that is—

(A) licensed in the State in which it operates to provide one or more of the educational services for which funds may be expended under subsection (f); or

(B) otherwise approved by the Secretary.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Defense.

SA 2285. Mr. SASSE submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title XII, add the following:

SEC. 1287. MODIFICATION OF ANNUAL REPORTING REQUIREMENTS CONCERNING DIPLOMATIC IMMUNITY.

(a) FINDINGS.—Congress makes the following findings:

(1) According to the January 2019 Worldwide Threat Assessment of the United States Intelligence Community, ''Russia and China will continue to be the leading state intelligence threats to U.S. interests, based on their services' capabilities, intent, and broad operational scopes.''.

(2) It is necessary to reaffirm for the executive branch the sense of Congress set forth in section 601 of the Intelligence Authorization Act for Fiscal Year 1985 (22 U.S.C. 254c–1): ''It is the sense of the Congress that the numbers, status, privileges and immunities, travel, accommodations, and facilities within the United States of official representatives to the United States of any foreign government that engages in intelligence activities within the United States harmful to the national security of the United States should not exceed the respective numbers, status, privileges and immunities, travel accommodations, and facilities within such country of official representatives of the United States to such country.''.

(b) ADDITIONAL REPORTING REQUIREMENTS.—Section 204B of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4304b) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (F), by striking ''subsection (c)'' and inserting ''subsection (d)''; and

(B) by adding at the end the following new subparagraphs:

''(G) The number and names of foreign diplomats with expired diplomatic visas who continue to receive diplomatic accreditation.

''(H) The foreign country represented by each diplomat identified under subparagraph (G).'';

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

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

''(b) CERTIFICATION.—

''(1) IN GENERAL.—Subject to paragraphs (2) and (3), together with each annual report under subsection (a), the Secretary of State, in coordination with the Director of National Intelligence, shall submit to Congress a certification that the individuals identified under paragraph (2)(G) of that subsection are not engaging in intelligence activities in the United States harmful to the national security of the United States.

''(2) INABILITY TO CERTIFY.—If the Secretary of State assesses that he or she is unable under paragraph (1) to certify that individuals identified under paragraph (2)(G) are not engaging in intelligence activities in the United States harmful to the national security of the United States, the Secretary shall submit to Congress a report detailing such assessment.

''(3) CONTINUED DIPLOMATIC ACCREDITATION IN NATIONAL SECURITY INTEREST.—If the Secretary of State assesses that continued diplomatic accreditation of an individual identified under paragraph (2)(G) is in the national security interests of the United States and the Secretary is therefore unwilling to submit a certification under paragraph (1), the Secretary shall submit to Congress a report detailing such assessment.''.

SA 2286. Mr. SASSE submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PILOT PROGRAM ON AN INTERNATIONAL PARTNERSHIP FOR A STRONG INNOVATION BASE.

(a) PILOT PROGRAM AUTHORIZED.—The Secretary of Defense shall establish a pilot program for a preferential designation program for select allie and partner countries of the United States, in order to add innovation, capability, and capacity to the United States industrial base and to enhance the access of the United States to emerging and critical technology from those allie and partner countries.

(b) OBJECTIVES OF PILOT PROGRAM.—The Secretary shall design the pilot program required by subsection (a) to determine the following:

(1) The effectiveness of recognizing certain allied and partner countries for opportunities to obtain accelerated or other priority treatment for purposes of—

(A) foreign military sales and foreign military financing;

(B) export, import, or other transfer of defense articles, defense services, and related technology; and

(C) review of investments subject to the National Industrial Security Program, consistent with the provisions of the Foreign Investment Risk Review Modernization Act of 2018 and its implementing regulations.

(2) The impact that designating such allies and partners has on research, development, and access to emerging and critical technologies (including fifth generation and sixth generation communications technology, microelectronics, semiconductors, and artificial intelligence) that are beneficial to the United States national security innovation base and defense industrial base.

(3) The opportunities to promote cross-border technological development, including joint programs to foster innovation in technologies with potential application in both the national security and commercial sectors.

(4) The policy effects of designating particular countries as trusted partners in the United States national security innovation base.

(c) NUMBER OF PARTICIPANTS.—The Secretary shall select no fewer than three countries to participate in the pilot program established under subsection (a).

(d) ELEMENTS OF SELECTION.—The Secretary shall prioritize the following elements in selecting nations to be designated as participating countries for the pilot program established under subsection:

(1) The record of commitment to investment in national defense as defined by the level of spending on national defense and defense-related infrastructure.

(2) The level of investment and cooperation with the United States, particularly within the United States defense industrial base.

(3) The value to military interoperability, as measured by investment and participation in major defense acquisition programs of the United States Armed Forces.

(4) The robustness of the local innovation base, including its record of investment in emerging and critical technologies.

(5) The degree of defense and security cooperation with the United States.

(6) The existence and extent of security agreements and reciprocal defense agreements, including a country's practices and procedures that correspond with United States national security laws and regulations regarding supply chain security, export control, and foreign investment.

(e) DELEGATION AUTHORIZED.—The Secretary may delegate any of the authorities and responsibilities in this section to the Under Secretary of Defense for Acquisition and Sustainment.

(f) COMMENCEMENT AND DURATION.—The pilot program established under subsection (a) shall be established not later than April 1, 2021, and all activities under such pilot program shall continue through December 31, 2024.

(g) INTERIM REPORT REQUIRED.—Not later than October 1, 2021, the Secretary submit to the congressional defense committees a report on the status of the pilot program. The report shall include the following elements:

(1) A list of the countries designated under the pilot program.

(2) A description of the full selection methodology used for the countries designated under the pilot program.

(3) An assessment of interest from major allied nations in participating in the pilot program.

(4) Initial observations of the pilot program, including successful or promising innovation partnerships or technology development initiatives.

(5) Any other matters the Secretary considers appropriate.

(h) FINAL REPORT REQUIRED.—Not later October 1, 2023, the Secretary of Defense shall submit to the congressional defense committees a final report on the findings of the pilot program established under this section. The report shall include the following elements:

(1) A comprehensive description of the benefits gained by the United States innovation base by designating countries for inclusion in the partnership.

(2) An assessment of the foreign policy factors to be considered in expanding or making permanent a country designation program consistent with the elements of this section.

(3) Recommendations for legislative or administrative action the Secretary determines appropriate, including whether—

(A) to expand the scope of the pilot program;

(B) to expand the number of countries eligible under the pilot program; or

(C) to make the pilot program permanent.

SA 2287. Mr. SASSE submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XVI, add the following:

SEC. _____. STUDY ON CYBEREXPLOITATION OF MEMBERS OF THE ARMED FORCES AND THEIR FAMILIES.

(a) STUDY REQUIRED.—Not later than 150 days after the date of the enactment of this Act, the Secretary of Defense shall complete a study on the cyberexploitation of the personal information and accounts of members of the Armed Forces and their families.

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

(1) An intelligence assessment of the threat currently posed by foreign government and non-state actor cyberexploitation of members of the Armed Forces and their families, including generalized assessments as to whether cyberexploitation of members of the Armed Forces and their families is a substantial threat as compared to other means of information warfare and as to whether cyberexploitation of members of the Armed Forces and their families is an increasing threat.

(2) Case-study analysis of three known occurrences of attempted cyberexploitation against members of the Armed Forces and their families, including assessments of the vulnerability and the ultimate consequences of the attempted cyberexploitation.

(3) A description of the actions taken by the Department of Defense to educate members of the Armed Forces and their families, including particularly vulnerable subpopulations, about any actions that can be taken to reduce these threats.

(4) An intelligence assessment of the threat posed by foreign government and non-state actor creation and use of deep fakes featuring members of the Armed Forces or their families, including generalized assessments of the maturity of the technology used in the creation of deep fakes and as to how deep fakes have been used or might be used to conduct information warfare.

(5) Development of recommendations for policy changes to reduce the vulnerability of members of the Armed Forces and their families to cyberexploitation, including recommendations for legislative or administrative action.

(c) REPORT.—

(1) IN GENERAL.—The Secretary shall submit to the congressional defense committees a report on the findings of the Secretary with respect to the study required by subsection (a).

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

(d) DEFINITIONS.—In this section:

(1) The term ''cyberexploitation'' means the use of digital means to knowingly access, or conspire to access, without authorization, an individual's personal information to be employed (or to be used) with malicious intent.

(2) The term ''deep fake'' means the digital insertion of a person's likeness into or digital alteration of a person's likeness in visual media, such as photographs and videos, without the person's permission and with malicious intent.

SA 2288. Mr. SASSE submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title XII, add the following:

SEC. 1287. MODIFICATIONS TO TRADE PROMOTION AUTHORITY.

(a) TRADE NEGOTIATING OBJECTIVES.—Section 102 of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (19 U.S.C. 4201) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (14) and (15) as paragraphs (18) and (19), respectively; and

(B) by inserting after paragraph (13) the following:

''(14) to enhance the security of the United States;

''(15) to increase the access of the United States to critical technology from countries that are trusted allies and security partners of the United States;

''(16) to promote cross-border technological cooperation, development, and adoption of critical technology, including practices and procedures, between the United States and such countries;

''(17) to provide a free world alternative to the 'Made in China 2025' technological initiative of the People's Republic of China;''; and

(2) in subsection (b), by adding at the end the following:

''(23) NATIONAL SECURITY.—The principal negotiating objective of the United States with respect to national security is to establish a critical technology trade partnership agreement with countries that are trusted allies and security partners of the United States—

''(A) to develop a trusted, secure, and competitive telecommunications equipment alternative to Huawei Technologies;

''(B) to establish an international security innovation base between the United States and such countries;

''(C) to enhance technical collaboration efforts between the United States and such countries on technologies applicable to both the national security and commercial sectors either through elevating existing programs of collaboration or the creation of new partnership mechanisms;

''(D) to accelerate or obtain other priority treatment for such countries for—

''(i) foreign military sales and financing; and

''(ii) the export, import, and transfer of defense articles, services, and related technology; and

''(E) to enhance cooperation between the United States and such countries regarding the review of investments subject to the National Industrial Security Program, the Committee on Foreign Investment in the United States, or similar entities in such countries.''.

(b) CONSULTATIONS WITH MEMBERS OF CONGRESS.—Section 104(a)(1) of such Act (19 U.S.C. 4203(a)(1)) is amended—

(1) in subparagraph (D), by striking ''; and'' and inserting a semicolon;

(2) in subparagraph (E), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(F) with regard to any negotiations and agreement relating to national security, consult closely and on a timely basis (including immediately before initialing an agreement) with and keep fully appraised of the negotiations the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives. Consultations under this subparagraph may be conducted be a designee of the Trade Representative from the Department of State, the Department of Defense, the Department of Homeland Security, the Office of the Director of National Intelligence, the Department of Energy, the Department of Treasury, or any other Federal agency the Trade Representative considers appropriate.''.

(c) NOTICE, CONSULTATIONS, AND REPORTS BEFORE NEGOTIATION.—Section 105(a) of such Act (19 U.S.C. 4204(a)) is amended by adding at the end the following:

''(6) NEGOTIATIONS REGARDING NATIONAL SECURITY.—

''(A) IN GENERAL.—The United States Trade Representative shall prioritize the following criteria when determining which countries should be considered for participation in a critical technology partnership agreement:

''(i) The existence of mutual security and defense agreements and the country's general commitment to investment in national defense.

''(ii) Practices and procedures that reflect standards similar to the standards in the United States national security laws and regulations regarding supply chain security, export control, and foreign investment.

''(iii) Record of commitment to investment in research, development, and utilization of critical and emerging technology.

''(iv) Current and planned domestic telecommunications infrastructure vendors.

''(B) ENDORSEMENT OF OTHER AGENCIES REQUIRED.—The United States Trade Representative shall secure the formal endorsement of the Secretary of State, the Secretary of Defense, the Secretary of Homeland Security, the Secretary of Treasury, the Secretary of Energy, and the Director of National Intelligence with respect to a critical technology partnership agreement before submitting the notice to Congress of intention to sign the agreement under paragraph (1)(A).

''(C) ADDITIONAL CONSULTATIONS.—Before initiating or continuing negotiations for an agreement that directly related to national security with any country, the President shall—

''(i) consult with—

''(I) the Select Committee on Intelligence and the Committee on Finance of the Senate; and

''(II) the Permanent Select Committee on Intelligence and the Committee on Ways and Means of the House of Representatives; and

''(ii) keep those committees appraised of the negotiations on an ongoing and timely basis''.

SA 2289. Mr. SASSE submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XII of division A, add the following:

SECTION 1. ASYLUM FOR HONG KONG VICTIMS OF COMMUNISM.

(a) SHORT TITLE.—This section may be cited as the ''Hong Kong Victims of Communism Support Act''.

(b) SENSE OF CONGRESS; STATEMENT OF POLICY.—

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

(A) Hong Kong has flourished as a bastion of freedom because of—

(i) the rule of law and autonomous status afforded under the Hong Kong Basic Law, adopted by the National People's Congress on April 4, 1990, and effective since July 1, 1997; and

(ii) the enterprising and free people of Hong Kong; and

(B) the direct imposition of national security legislation on Hong Kong, adopted by the National People's Congress on May 28, 2020—

(i) lies in direct conflict with the principles of the legally-binding, United Nations-registered Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong, done at Beijing December 19, 1984;

(ii) dramatically erodes the autonomy of Hong Kong; and

(iii) curtails the liberties of the people of Hong Kong.

(2) STATEMENT OF POLICY.—It is the policy of the United States to provide support for the refugees and asylum seekers who share the principles of liberty enshrined in the Constitution of the United States and are fleeing Hong Kong due to actions the People's Republic of China has taken to undermine Hong Kong's high-degree of autonomy afforded under the Basic Law and the Sino-British Joint Declaration.

(c) ELIGIBILITY FOR ASYLUM.—

(1) DEFINED TERM.—In this subsection, the term ''Hong Konger'' means any individual who—

(A) has enjoyed the right of abode in the Hong Kong Special Administrative Region since birth under the Immigration Ordinance (Chapter 115, Laws of Hong Kong); and

(B) has maintained continuous residency in Hong Kong since birth.

(2) IN GENERAL.—Notwithstanding paragraph (1) of section 208(b) of the Immigration and Nationality Act (8 U.S.C. 1158(b)), any Hong Konger—

(A) shall be deemed to be eligible for asylum in the United States unless he or she is described in paragraph (2) of such section 208(b); and

(B) may apply for asylum at the United States Consulate General in Hong Kong and Macau before the date referred to in paragraph (3).

(3) SUNSET.—This section shall have no force or effect beginning on the date on which the Secretary of State certifies to Congress that Hong Kong has regained a high degree of autonomy to warrant differential treatment under United States law consistent with reporting requirements under sections 205 and 301 of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5725 and 5731).

(d) TREATMENT OF HONG KONG APPLICANTS FOR ASYLUM.—Consistent with section 206 of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5726), and notwithstanding any other provision of law, any application for asylum under section 208 of the Immigration and Nationality Act (8 U.S.C. 1158), including any application authorized under subsection (c)(2), which was submitted by an otherwise qualified applicant who resided in the Hong Kong Special Administrative Region in 2014 or later may not be denied primarily on the basis of the applicant's subjection to politically-motivated arrest, detention, or other adverse government action.

(e) CONSULTATION REQUIREMENT.—The Secretary of Homeland Security and the Attorney General shall consult with the Director of National Intelligence and the Secretary of State regarding any risks to national security associated with granting asylum to a permanent resident of the Hong Kong Special Administrative Region that meets the eligibility requirements under subsection (c)(2).

(f) STRATEGY.—Not later than 30 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Homeland Security, shall develop a strategy for providing support and technical assistance to the United Kingdom of Great Britain and Northern Ireland, the Republic of China (Taiwan), the countries surrounding Hong Kong Special Administrative Region, and any other country offering to provide migration services and asylum to eligible Permanent Residents of the Hong Kong Special Administrative Region, which shall—

(1) identify the types of support and technical assistance required by such countries;

(2) identify the existing United States Government resources and authorities to provide support and technical assistance to such countries;

(3) identify any gaps in resources or authorities to provide support and technical assistance to such countries; and

(4) assess how the efforts of the United States to accept asylees from Hong Kong and provide support and technical assistance to countries offering to provide migration services and asylum to the people of Hong Kong is impacting the interests and foreign policy of the People's Republic of China.

SA 2290. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REQUIREMENTS FOR SUBMITTAL OF BUSINESS CASE ANALYSIS UNDER UTILITIES PRIVATIZATION PROGRAM OF DEPARTMENT OF DEFENSE.

Section 2688(d)(2) of title 10, United States Code, is amended—

(1) by striking ''The Secretary of Defense'' and inserting ''(A) The Secretary of Defense''; and

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

''(B) The Secretary of Defense shall—

''(i) not later than 30 days after the submittal to the Secretary of a business case analysis under subparagraph (A)—

''(I) approve or deny such analysis; and

''(II) in the case of an analysis that is denied, provide recommendations for corrective action; and

''(ii) not later than 30 days after a resubmittal that has taken recommendations provided under clause (i)(II), approve or deny such resubmittal.''.

SA 2291. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REPORT ON METRICS TO BE INCLUDED IN BUSINESS CASE ANALYSIS UNDER UTILITIES PRIVATIZATION PROGRAM OF DEPARTMENT OF DEFENSE.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report that lists and explains the metrics that must be included in a business case analysis required under section 2688(d)(2) of title 10, United States Code.

SA 2292. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. REPORT ON FACILITIES FOR COMMANDING, CONTROLLING, AND DISSEMINATING DATA FOR SATELLITE CONSTELLATIONS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on readily available commercial and government facilities for commanding, controlling, and disseminating data for satellite constellations, which shall include—

(1) the cost, schedule, deployment, rapid prototyping, and testing of new space technologies for small satellite programs;

(2) a description of potential effects based on the finite number of such facilities that are agile, maintainable, accredited at the correct classification, and located within reasonable proximity to manufacturer and researcher facilities; and

(3) a description of the costs and benefits of increasing the number of such facilities.

SA 2293. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. THRESHOLD FOR REPORTING ADDITIONS TO TOXICS RELEASE INVENTORY.

Section 7321 of the PFAS Act of 2019 (Public Law 116–92) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (A), by striking ''subparagraph (B)'' and inserting ''subparagraphs (B) and (C)''; and

(B) by adding at the end the following:

''(C) LIMITATION.—Section 372.38 of title 40, Code of Federal Regulations (or successor regulations), shall not apply to a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances described in paragraph (1) unless the Administrator, in accordance with subparagraph (B), revises the threshold for reporting the substance or class of substances to 10,000 pounds.''; and

(2) in subsection (c)(2)—

(A) in subparagraph (A), by striking ''subparagraph (B)'' and inserting ''subparagraphs (B) and (C)''; and

(B) by adding at the end the following:

''(C) LIMITATION.—Section 372.38 of title 40, Code of Federal Regulations (or successor regulations), shall not apply to a substance or class of substances described in paragraph (1) unless the Administrator, in accordance with subparagraph (B), revises the threshold for reporting the substance or class of substances to 10,000 pounds.''.

SA 2294. Mr. MURPHY submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title XII, add the following:

SEC. 1287. LIMITATION ON USE OF FUNDS FOR AIR CAMPAIGN OF THE SAUDI-LED COALITION IN YEMEN.

(a) IN GENERAL.—None of the funds authorized to be appropriated by this Act may be obligated or expended to support of the air campaign of the Saudi-led coalition in Yemen until the Secretary of Defense—

(1) certifies, in writing, to Congress that members of such coalition are in compliance with end-use agreements related to sales of United States weapons and defense articles; and

(2) submits to Congress written findings of any internal Department of Defense investigation into unauthorized third-party transfers of United States weapons and defense articles in Yemen and has taken corrective action as a result of any such investigation.

(b) FORM.—The certification and findings under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

SA 2295. Ms. KLOBUCHAR (for herself and Mr. CORNYN) submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title V, add the following:

SEC. 593. STUDY ON IMPROVEMENT OF ACCESS TO VOTING FOR MEMBERS OF THE ARMED FORCES OVERSEAS.

(a) STUDY REQUIRED.—The Director of the Federal Voting Assistance Program of the Department of Defense shall conduct a study on means of improving access to voting for members of the Armed Forces overseas.

(b) REPORT.—Not later than September 30, 2022, the Director shall submit to Congress a report on the results of the study conducted under subsection (a). The report shall include the following:

(1) The results of a survey, undertaken for purposes of the study, of Voting Assistance Officers and members of the Armed Forces overseas on means of improving access to voting for such members, including through the establishment of unit-level assistance mechanisms or permanent voting assistance offices.

(2) An estimate of the costs and requirements in connection with an expansion of the number of Voting Assistance Officers in order to fully meet the needs of members of the Armed Forces overseas for access to voting.

(3) A description and assessment of various actions to be undertaken under the Federal Voting Assistance Program in order to increase the capabilities of the Voting Assistance Officer program.

SA 2296. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title XII of division A, add the following:

SEC. 1274. REPORT ON FOREIGN TRAFFICKERS.

(a) SHORT TITLES.—This section may be cited as the ''Leveraging Information on Foreign Traffickers Act'' or the ''LIFT Act''.

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

(1) the annual Trafficking In Persons Report prepared by the Department of State pursuant to the Trafficking Victims Protection Act of 2000 (the ''TIP Report'') remains one of the most comprehensive, timely, and important sources of information on human trafficking in the world, and currently includes 187 individual country narratives;

(2) in January 2019, the statute mandating the TIP Report was amended to require that each report must cover efforts and activities occurring within the period from April 1 of the prior year through March 31 of the current year, which necessarily requires the collection and transmission of information after March 31;

(3) ensuring that the Department of State has adequate time to receive, analyze, and incorporate trafficking-related information into its annual Trafficking In Persons Report is important to the quality and comprehensiveness of that report;

(4) information regarding prevalence and patterns of human trafficking is important for understanding the scourge of modern slavery and making effective decisions about where and how to combat it; and

(5) United States officials responsible for monitoring and combating trafficking in persons around the world should receive available information regarding where and how often United States diplomatic and consular officials encounter persons who are responsible for, or who knowingly benefit from, severe forms of trafficking in persons.

(c) DEFINITIONS.—In this section:

(1) LOCATIONS OF UNITED STATES VISA DENIALS.—The term ''location of United States visa denials'' means—

(A) the United States diplomatic or consular post at which a denied United States visa application was adjudicated; and

(B) the city or locality of residence of the applicant whose visa application was so denied.

(2) RELEVANT CONGRESSIONAL COMMITTEES.—The term ''relevant congressional committees'' means—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on the Judiciary of the Senate;

(C) the Committee on Foreign Affairs of the House of Representatives; and

(D) the Committee on the Judiciary of the House of Representatives.

(d) ANNUAL DEADLINE FOR TRAFFICKING IN PERSONS REPORT.—Section 110(b)(1) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)(1)) is amended by striking ''June 1'' and inserting ''June 30''.

(e) UNITED STATES ADVISORY COUNCIL ON HUMAN TRAFFICKING.—

(1) EXTENSION.—Section 115(h) of the Justice for Victims of Trafficking Act of 2015 (Public Law 114–22; 129 Stat. 243) is amended by striking ''September 30, 2021'' and inserting ''September 30, 2025''.

(2) COMPENSATION.—Section 115(f) of such Act is amended—

(A) in paragraph (1), by striking ''and'' at the end;

(B) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(3) may each receive compensation for each day such member is engaged in the actual performance of the duties of the Council.''.

(3) COMPENSATION REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of State shall submit a plan to the relevant congressional committees for implementing compensation for members of the United States Advisory Council on Human Trafficking pursuant to section 115(f)(3) of the Justice for Victims of Trafficking Act of 2015, as added by paragraph (2)(C).

(f) TIMELY PROVISION OF INFORMATION TO THE OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS OF THE DEPARTMENT OF STATE.—

(1) IN GENERAL.—Section 106 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104) is amended by adding at the end the following:

''(l) INFORMATION REGARDING HUMAN TRAFFICKING-RELATED VISA DENIALS.—

''(1) IN GENERAL.—The Secretary of State shall ensure that the Office to Monitor and Combat Trafficking in Persons and the Bureau of Diplomatic Security of the Department of State receive timely and regular information regarding United States visa denials based, in whole or in part, on grounds related to human trafficking.

''(2) DECISIONS REGARDING ALLOCATION.—The Secretary of State shall ensure that decisions regarding the allocation of resources of the Department of State related to combating human trafficking and to law enforcement presence at United States diplomatic and consular posts appropriately take into account—

''(A) the information described in paragraph (1); and

''(B) the information included in the most recent report submitted in accordance with section 110(b).''.

(2) CONFORMING AMENDMENT.—Section 103 of such Act (22 U.S.C. 7102) is amended by adding at the end the following:

''(18) GROUNDS RELATED TO HUMAN TRAFFICKING.—The term 'grounds related to human trafficking' means grounds related to the criteria for inadmissibility to the United States described in section 212(a)(2)(H) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)(H)).''.

(g) REPORTS TO CONGRESS.—

(1) INITIAL REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit a report to the relevant congressional committees that—

(A) describes the actions that have been taken and that are planned to implement section 106(l) of the Trafficking Victims Protection Act of 2000, as added by subsection (f)(1); and

(B) identifies by country and by United States diplomatic and consular post the number of visa applications denied during the previous calendar year with respect to which the basis for such denial, included grounds related to human trafficking (as defined in section 103 of the Trafficking Victims Protection Act of 2000, as amended by subsection (f)(2)).

(2) ANNUAL REPORT.—Beginning with the first annual anti-trafficking report required under section 110(b)(1) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)(1)) that is submitted after the date of the enactment of this Act, and concurrent with each such subsequent submission for the following 7 years, the Secretary of State shall submit a report to the relevant congressional committees that contains information relating to the number and the locations of United States visa denials based, in whole or in part, on grounds related to human trafficking (as defined in section 103 of the Trafficking Victims Protection Act of 2000, as amended by subsection (f)(2)) during the period covered by each such report.

SA 2297. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle ____—Transition Assistance Matters

SEC. __01. SHORT TITLE.

This subtitle may be cited as the ''Navy SEAL Chief Petty Officer William 'Bill' Mulder (Ret.) Transition Improvement Act of 2020''.

SEC. __02. TAP DEFINED.

In this subtitle, the term ''TAP'' means the Transition Assistance Program under sections 1142 and 1144 of title 10, United States Code.

SEC. __03. ACCESS FOR THE SECRETARIES OF LABOR AND VETERANS AFFAIRS TO THE FEDERAL DIRECTORY OF NEW HIRES.

Section 453A(h) of the Social Security Act (42 U.S.C. 653a(h)) is amended by adding at the end the following new paragraph:

''(4) VETERAN EMPLOYMENT.—The Secretaries of Labor and of Veterans Affairs shall have access to information reported by employers pursuant to subsection (b) of this section for purposes of tracking employment of veterans.''.

SEC. __04. PILOT PROGRAM FOR OFF-BASE TRANSITION TRAINING FOR VETERANS AND SPOUSES.

(a) EXTENSION OF PILOT PROGRAM.—Subsection (a) of section 301 of the Dignified Burial and Other Veterans' Benefits Improvement Act of 2012 (Public Law 112–260; 10 U.S.C. 1144 note) is amended—

(1) by striking ''During the two-year period beginning on the date of the enactment of this Act'' and inserting ''During the five-year period beginning on the date of the enactment of the Navy SEAL Chief Petty Officer William 'Bill' Mulder (Ret.) Transition Improvement Act of 2020''; and

(2) by striking ''to assess the feasibility and advisability of providing such program to eligible individuals at locations other than military installations''.

(b) LOCATIONS.—Subsection (c) of such section is amended—

(1) in paragraph (1)—

(A) in the paragraph heading, by striking ''STATES'' and inserting ''LOCATIONS''; and

(B) by striking ''not less than three and not more than five States'' and inserting ''not fewer than 50 locations in States (as defined in section 101 of title 38, United States Code)''; and

(2) in paragraph (2), by striking ''at least two'' and inserting ''at least 20''.

(c) CONFORMING REPEAL.—Subsection (f) of such section is repealed.

SEC. __05. GRANTS FOR PROVISION OF TRANSITION ASSISTANCE TO MEMBERS OF THE ARMED FORCES AFTER SEPARATION, RETIREMENT, OR DISCHARGE.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall make grants to eligible organizations for the provision of transition assistance to members of the Armed Forces who are separated, retired, or discharged from the Armed Forces, and spouses of such members.

(b) USE OF FUNDS.—The recipient of a grant under this section shall use the grant to provide to members of the Armed Forces and spouses described in subsection (a) resume assistance, interview training, job recruitment training, and related services leading directly to successful transition, as determined by the Secretary.

(c) ELIGIBLE ORGANIZATIONS.—To be eligible for a grant under this section, an organization shall submit to the Secretary an application containing such information and assurances as the Secretary, in consultation with the Secretary of Labor, may require.

(d) PRIORITY FOR HUBS OF SERVICES.—In making grants under this section, the Secretary shall give priority to an organization that provides multiple forms of services described in subsection (b).

(e) AMOUNT OF GRANT.—A grant under this section shall be in an amount that does not exceed 50 percent of the amount required by the organization to provide the services described in subsection (b).

(f) DEADLINE.—The Secretary shall carry out this section not later than six months after the date of the enactment of this Act.

(g) TERMINATION.—The authority to provide a grant under this section shall terminate on the date that is five years after the date on which the Secretary implements the grant program under this section.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 to carry out this section.

SEC. __06. ONE-YEAR INDEPENDENT ASSESSMENT OF THE EFFECTIVENESS OF TAP.

(a) INDEPENDENT ASSESSMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs, in consultation with the covered officials, shall enter into an agreement with an appropriate entity with experience in adult education to carry out a one-year independent assessment of TAP, including—

(1) the effectiveness of TAP for members of each military department during the entire military life cycle;

(2) the appropriateness of the TAP career readiness standards;

(3) a review of information that is provided to the Department of Veterans Affairs under TAP, including mental health data;

(4) whether TAP effectively addresses the challenges veterans face entering the civilian workforce and in translating experience and skills from military service to the job market;

(5) whether TAP effectively addresses the challenges faced by the families of veterans making the transition to civilian life;

(6) appropriate metrics regarding TAP outcomes for members of the Armed Forces one year after separation, retirement, or discharge from the Armed Forces;

(7) what the Secretary, in consultation with the covered officials and veterans service organizations determine to be successful outcomes for TAP;

(8) whether members of the Armed Forces achieve successful outcomes for TAP, as determined under paragraph (7);

(9) how the Secretary and the covered officials provide feedback to each other regarding such outcomes;

(10) recommendations for the Secretaries of the military departments regarding how to improve outcomes for members of the Armed Forces after separation, retirement, and discharge; and

(11) other topics the Secretary and the covered officials determine would aid members of the Armed Forces as they transition to civilian life.

(b) REPORT.—Not later than 90 days after the completion of the independent assessment under subsection (a), the Secretary and the covered officials shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives and the Committees on Armed Services of the Senate and House of Representatives—

(1) the findings and recommendations (including recommended legislation) of the independent assessment prepared by the entity described in subsection (a); and

(2) responses of the Secretary and the covered officials to the findings and recommendations described in paragraph (1).

(c) DEFINITIONS.—In this section:

(1) The term ''covered officials'' is comprised of—

(A) the Secretary of Defense;

(B) the Secretary of Labor;

(C) the Administrator of the Small Business Administration; and

(D) the Secretaries of the military departments.

(2) The term ''military department'' has the meaning given that term in section 101 of title 10, United States Code.

SEC. __07. LONGITUDINAL STUDY ON CHANGES TO TAP.

(a) STUDY.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs, in consultation with the Secretaries of Defense and Labor and the Administrator of the Small Business Administration, shall conduct a five-year longitudinal study regarding TAP on three separate cohorts of members of the Armed Forces who have separated from the Armed Forces, including—

(1) a cohort that has attended TAP counseling as implemented on the date of the enactment of this Act;

(2) a cohort that attends TAP counseling after the Secretaries of Defense and Labor implement changes recommended in the report under section __06(b) of this Act; and

(3) a cohort that has not attended TAP counseling.

(b) PROGRESS REPORTS.—Not later than 90 days after the day that is one year after the date of the initiation of the study under subsection (a) and annually thereafter for the three subsequent years, the Secretaries of Veterans Affairs, Defense, and Labor, and the Administrator of the Small Business Administration, shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives and the Committees on Armed Services of the Senate and House of Representatives a progress report of activities under the study during the immediately preceding year.

(c) FINAL REPORT.—Not later than 180 days after the completion of the study under subsection (a), the Secretaries of Veterans Affairs, Defense, and Labor, and the Administrator of the Small Business Administration, shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives and the Committees on Armed Services of the Senate and House of Representatives a report of final findings and recommendations based on the study.

(d) ELEMENTS.—The final report under subsection (c) shall include information regarding the following:

(1) The percentage of each cohort that received unemployment benefits during the study.

(2) The numbers of months members of each cohort were employed during the study.

(3) Annual starting and ending salaries of members of each cohort who were employed during the study.

(4) How many members of each cohort enrolled in an institution of higher learning, as that term is defined in section 3452(f) of title 38, United States Code.

(5) The academic credit hours, degrees, and certificates obtained by members of each cohort during the study.

(6) The annual income of members of each cohort.

(7) The total household income of members of each cohort.

(8) How many members of each cohort own their principal residences.

(9) How many dependents that members of each cohort have.

(10) The percentage of each cohort that achieves a successful outcome for TAP, as determined under section __06(a)(7) of this Act.

(11) Other criteria the Secretaries and the Administrator of the Small Business Administration determine appropriate.

SA 2298. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

SEC. 1064. REPORT ON ROUND-THE-CLOCK AVAILABILITY OF CHILDCARE FOR MEMBERS OF THE ARMED FORCES AND CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE WHO WORK ROTATING SHIFTS.

(a) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the results of a study, conducted by the Secretary for purposes of the report, on the feasibility and advisability of making round-the-clock childcare available for children of members of the Armed Forces and civilian employees of the Department of Defense who works on rotating shifts at military installations.

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

(1) The results of the study described in that subsection.

(2) If the Secretary determines that making round-the-clock childcare available as described in subsection (a) is feasible and advisable, such matters as the Secretary considers appropriate in connection with making such childcare available, including—

(A) an identification of the installations at which such childcare would be beneficial to members of the Armed Forces, civilian employees of the Department, or both;

(B) an identification of any barriers to making such childcare available at the installations identified pursuant to subparagraph (A);

(C) an assessment whether the childcare needs of members of the Armed Forces and civilian employees of the Department described in subsection (a) would be better met by an increase in assistance for childcare fees;

(D) a description and assessment of the actions, if any, being taken to make such childcare available at the installations identified pursuant to subparagraph (A); and

(E) such recommendations for legislative or administrative action as the Secretary considers appropriate to make such childcare available at the installations identified pursuant to subparagraph (A), or at any other military installations.

SA 2299. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title V, add the following:

SEC. 549. MEASURES FOR PERSONAL AND PROFESSIONAL DEVELOPMENT OF MEMBERS OF THE ARMED FORCES WHO ARE QUARANTINED IN CONNECTION WITH THE CORONAVIRUS DISEASE 2019 (COVID–19).

(a) DEVELOPMENT OF MEASURES REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall develop measures to ensure the personal and professional development of members of the Armed Forces (including cadets and midshipmen at the military service academies) who are quarantined in connection with the Coronavirus Disease 2019 (COVID–19).

(b) SCOPE OF MEASURES.—The measures required by subsection (a) shall provide for the following:

(1) The availability to members of the Armed Forces quarantined in connection with the Coronavirus Disease 2019 of each of the following:

(A) Behavioral and mental health resources, including access to mental health providers, counselors, and chaplains.

(B) Physical activity and exercise.

(C) Education resources, including online courses, reading lists, and other platforms relating to professional development and self-improvement.

(2) The availability of peer-to-peer interactions among members described in paragraph (1), including access of cadets and midshipmen at the military service academies to cadre, coaches, and coaching staff.

(3) The availability of communication between units deployed and stationed at home regarding synchronization of quarantine plans for units with members described in paragraph (1).

(4) Such other matters relating to the personal and professional development of members of the Armed Forces who are quarantined in connection with the Coronavirus Disease 2019 as the Secretary considers appropriate.

(c) COMMENCEMENT OF IMPLEMENTATION.—The measures developed pursuant to subsection (a) shall be implemented beginning not later than 90 days after the completion of the development of the measures pursuant to that subsection.

SA 2300. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. COUNTY LAW ENFORCEMENT ASSISTANCE.

(a) DEFINITIONS.—In this section—

(1) the term ''county'' means any county, parish, or organized or unorganized borough;

(2) the term ''covered county'' means a county in which a covered municipality is located;

(3) the term ''covered municipality'' means a municipality that has reduced the funding of any law enforcement agency over which the municipality has authority during 2020; and

(4) the term ''municipality''—

(A) means a city, town, or other public body created by State law; and

(B) does not include a county.

(b) GRANTS AUTHORIZED.—The Attorney General shall establish a competitive grant program to award grants to county law enforcement agencies located in covered counties to assist the law enforcement agencies in hiring additional law enforcement officers.

(c) APPLICATION.—A law enforcement agency seeking a grant under this section shall submit an application in such form, at such time, and containing such information as the Attorney General may require.

(d) SUPPLEMENT NOT SUPPLANT.—Amounts awarded under this section shall supplement and not supplant amounts otherwise awarded by the Attorney General to a law enforcement agency.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General $1,500,000,000 for fiscal year 2021 to carry out this section.

SA 2301. Mr. INHOFE proposed an amendment to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Defense Authorization Act for Fiscal Year 2021''.

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

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

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

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

(4) Division D—Funding Tables.

(5) Division E—Additional Provisions.

(6) Division F—Intelligence Authorization Act for Fiscal Year 2021.

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

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

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Authorization of appropriations.

Subtitle B—Army Programs

Sec. 111. Integrated air and missile defense assessment.
Sec. 112. Report and limitation on Integrated Visual Augmentation System acquisition.
Sec. 113. Modifications to requirement for an interim cruise missile defense capability.

Subtitle C—Navy Programs

Sec. 121. Contract authority for Columbia-class submarine program.
Sec. 122. Limitation on Navy medium and large unmanned surface vessels.
Sec. 123. Extension of prohibition on availability of funds for Navy waterborne security barriers.
Sec. 124. Procurement authorities for certain amphibious shipbuilding programs.
Sec. 125. Fighter force structure acquisition strategy.
Sec. 126. Treatment of systems added by Congress in future President's budget requests.
Sec. 127. Report on carrier wing composition.
Sec. 128. Report on strategy to use ALQ–249 Next Generation Jammer to ensure full spectrum electromagnetic superiority.

Subtitle D—Air Force Programs

Sec. 141. Economic order quantity contracting authority for F–35 joint strike fighter program.
Sec. 142. Minimum aircraft levels for major mission areas.
Sec. 143. Minimum operational squadron level.
Sec. 144. Minimum Air Force bomber aircraft level.
Sec. 145. F–35 gun system.
Sec. 146. Prohibition on funding for Close Air Support Integration Group.
Sec. 147. Limitation on divestment of KC–10 and KC–135 aircraft.
Sec. 148. Limitation on retirement of U–2 and RQ–4 aircraft.
Sec. 149. Limitation on divestment of F–15C aircraft in the European theater.
Sec. 150. Air base defense development and acquisition strategy.
Sec. 151. Required solution for KC–46 aircraft remote visual system limitations.
Sec. 152. Analysis of requirements and Advanced Battle Management System capabilities.
Sec. 153. Studies on measures to assess cost-per-effect for key mission areas.
Sec. 154. Plan for operational test and utility evaluation of systems for Low-Cost Attributable Aircraft Technology program.
Sec. 155. Prohibition on retirement or divestment of A–10 aircraft.

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

Sec. 171. Budgeting for life-cycle cost of aircraft for the Navy, Army, and Air Force: annual plan and certification.
Sec. 172. Authority to use F–35 aircraft withheld from delivery to Government of Turkey.
Sec. 173. Transfer from Commander of United States Strategic Command to Chairman of the Joint Chiefs of Staff of responsibilities and functions relating to electromagnetic spectrum operations.
Sec. 174. Cryptographic modernization schedules.
Sec. 175. Prohibition on purchase of armed overwatch aircraft.
Sec. 176. Special operations armed overwatch.
Sec. 177. Autonomic Logistics Information System redesign strategy.
Sec. 178. Contract aviation services in a country or in airspace in which a Special Federal Aviation Regulation applies.
Sec. 179. F–35 aircraft munitions.
Sec. 180. Airborne intelligence, surveillance, and reconnaissance acquisition roadmap for United States Special Operations Command.
Sec. 181. Requirement to accelerate the fielding and development of counter unmanned aerial systems across the joint force.
Sec. 182. Joint All Domain Command and Control requirements.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

Subtitle B—Program Requirements, Restrictions, and Limitations

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Sec. 212. Governance of fifth-generation wireless networking in the Department of Defense.
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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 2021 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. INTEGRATED AIR AND MISSILE DEFENSE ASSESSMENT.

(a) ASSESSMENT BY SECRETARY OF THE ARMY.—

(1) IN GENERAL.—The Secretary of the Army shall conduct a classified assessment of the capability and capacity of current and planned integrated air and missile defense (IAMD) capabilities to meet combatant commander requirements for major operations against great-power competitors and other global operations in support of the National Defense Strategy.

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

(A) Analysis and characterization of current and emerging threats, including the following:

(i) Cruise, hypersonic, and ballistic missiles.

(ii) Unmanned aerial systems.

(iii) Rockets.

(iv) Other indirect fire.

(v) Specific and meaningfully varied examples within each of subclauses (I) through (IV).

(B) Analysis of current and planned integrated air and missile defense capabilities to counter the threats analyzed and characterized under subparagraph (A), including the following:

(i) Projected timelines for development, procurement, and fielding of planned integrated air and missile defense capabilities.

(ii) Projected capability gaps.

(iii) Opportunities for acceleration or need for incorporation of interim capabilities to address current and projected gaps.

(C) Analysis of current and planned capacity to meet major contingency plan requirements and ongoing global operations of the combatant commands, including the following:

(i) Current and planned numbers of integrated air and missile defense systems and formations, including munitions.

(ii) Capacity gaps in addressing combatant command requirements.

(iii) Operations tempo stress on integrated air and missile defense formations and personnel.

(iv) Plans of the Secretary to continue to increase integrated air and missile defense personnel and formations.

(D) Assessment of integrated air and missile defense architecture and enabling command and control systems, including the following:

(i) A description of the integrated air and missile defense architecture and component counter unmanned aerial systems (C-UAS) sub-architecture.

(ii) Identification of the enabling command and control (C2) systems.

(iii) Inter-connectivity of the enabling command and control systems.

(iv) Compatibility of the enabling command and control systems with planned Joint All Domain Command and Control (JADC2) architecture.

(E) Assessment of proponency within the Army of integrated air and missile defense and counter unmanned aerial systems, including the following:

(i) A description of the current proponency structure.

(ii) Adequacy of the current proponency structure to facilitate Army executive agency integrated air and missile defense and counter unmanned aerial systems functions for the Department of Defense.

(iii) Benefits of establishing integrated air and missile defense and counter unmanned aerial systems centers of excellence to help focus Army and joint force efforts to achieving a functional integrated air and missile defense capability and capacity to meet requirements of the combatant commands.

(3) CHARACTERIZATION.—

(A) IN GENERAL.—In carrying out paragraph (2)(A), the Secretary shall avoid broad characterizations that do not sufficiently distinguish between distinctly different threats in the same general class.

(B) EXAMPLE.—An example of a broad characterization to be avoided under such paragraph is ''cruise missiles'', since such characterization does not sufficiently distinguish between current cruise missiles and emerging hypersonic cruise missiles, which may require different capabilities to counter them.

(4) REPORT AND INTERIM BRIEFING.—

(A) INTERIM BRIEFING.—Not later than December 15, 2020, the Secretary shall provide the Committee on Armed Services of the Senate and Committee on Armed Services of the House of Representatives a briefing on the assessment being conducted by the Secretary under paragraph (1).

(B) REPORT.—Not later than February 15, 2021, the Secretary shall submit to the Committee on Armed Services of the Senate and Committee on Armed Services of the House of Representatives a report on the findings of the Secretary with respect to the assessment conducted under paragraph (1).

(b) REVIEW BY VICE CHAIRMAN OF THE JOINT CHIEFS OF STAFF.—

(1) REVIEW.—The Vice Chairman of the Joint Chiefs of Staff shall review the assessment being conducted under subsection (a)(1) for potential gaps in capability and capacity to meet requirements of the National Defense Strategy.

(2) REPORT.—Not later than April 15, 2021, the Vice Chairman of the Joint Chiefs of Staff shall submit to the Committee on Armed Services of the Senate and Committee on Armed Services of the House of Representatives a report on the finding of the Vice Chairman with respect to the review conducted under paragraph (1).

SEC. 112. REPORT AND LIMITATION ON INTEGRATED VISUAL AUGMENTATION SYSTEM ACQUISITION.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than August 15, 2021, the Secretary of the Army shall submit to the congressional defense committees a report on the Integrated Visual Augmentation System (IVAS) subsequent to the completion of operational testing.

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

(A) Certification of the IVAS acquisition strategy, to include production model costs, full rate production schedule, and identification of any changes resulting from operational testing.

(B) Certification of technology levels being utilized in the full rate production model.

(C) Certification of operational suitability and soldier acceptability of the production model IVAS.

(b) LIMITATION ON USE OF FUNDS.—Not more than 50 percent of the amounts authorized to be appropriated by this Act for fiscal year 2021 for procurement of the Integrated Visual Augmentation System may be obligated or expended until the Secretary submits to the congressional defense committees the report required under subsection (a).

SEC. 113. MODIFICATIONS TO REQUIREMENT FOR AN INTERIM CRUISE MISSILE DEFENSE CAPABILITY.

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

(b) MODIFICATION OF WAIVER.—Section 112(b)(4) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1661) is amended to read as follows:

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

''(A) For the deadline specified in paragraph (1)(A), if the Secretary determines that sufficient funds have not been appropriated to enable the Secretary to meet such deadline.

''(B) For the deadline specified in paragraph (1)(B), if the Secretary submits to the congressional defense committees a certification that—

''(i) allocating resources toward procurement of an integrated enduring capability would provide robust tiered and layered protection to the joint force; or

''(ii) additional time is required to complete training and preparation for operational capability.''.

Subtitle C—Navy Programs

SEC. 121. CONTRACT AUTHORITY FOR COLUMBIA-CLASS SUBMARINE PROGRAM.

(a) CONTRACT AUTHORITY.—The Secretary of the Navy may enter into a contract, beginning with fiscal year 2021, for the procurement of up to two Columbia-class submarines.

(b) INCREMENTAL FUNDING.—With respect to a contract entered into under subsection (a), the Secretary of the Navy may use incremental funding to make payments under the contract.

(c) LIABILITY.—Any contract entered into under subsection (a) shall provide that—

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

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

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

SEC. 122. LIMITATION ON NAVY MEDIUM AND LARGE UNMANNED SURFACE VESSELS.

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

(1) qualification by the Senior Technical Authority of—

(A) at least two different main propulsion engines and ancillary equipment, including the fuel and lube oil systems; and

(B) at least two different electrical generators and ancillary equipment;

(2) final results of test programs of engineering development models or prototypes for critical systems specified by the Senior Technical Authority in their final form, fit, and function and in a realistic environment; and

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

(b) QUALIFICATION REQUIREMENTS.—The qualification required in subsection (a)(1) shall include a land-based operational demonstration of such equipment in the vessel-representative form, fit, and function for not less than 1,080 continuous hours without preventative maintenance, corrective maintenance, emergent repair, or any other form of repair or maintenance.

(c) REQUIREMENT TO USE QUALIFIED ENGINES AND GENERATORS.—The Secretary of the Navy shall require that covered programs use only main propulsion engines and electrical generators that are qualified under subsection (a)(1).

(d) LIMITATION.—The Secretary of the Navy may not release a detail design or construction request for proposals or obligate funds from a procurement account for a covered program until such program 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 this section.

(e) DEFINITIONS.—In this section:

(1) The term ''covered program'' means a program for—

(A) medium unmanned surface vessels; or

(B) large unmanned surface vessels.

(2) The term ''Milestone B approval'' has the meaning given the term in section 2366(e)(7) of title 10, United States Code.

(3) 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.

(4) The term ''Senior Technical Authority'' has the meaning given the term in section 8669b of title 10, United States Code.

SEC. 123. EXTENSION OF PROHIBITION ON AVAILABILITY OF FUNDS FOR NAVY WATERBORNE SECURITY BARRIERS.

Section 130(a) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1665), as amended by section 126 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), is further amended by striking ''for fiscal year 2019 or fiscal year 2020'' and inserting ''for fiscal years 2019, 2020, or 2021''.

SEC. 124. PROCUREMENT AUTHORITIES FOR CERTAIN AMPHIBIOUS SHIPBUILDING PROGRAMS.

(a) CONTRACT AUTHORITY.—

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

(2) PROCUREMENT IN CONJUNCTION WITH EXISTING CONTRACTS.—The ships authorized to be procured under paragraph (1) may be procured as additions to existing contracts covering such programs.

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

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

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

(A) the estimated end cost and appropriated funds by fiscal year, by hull, without the authority provided in subsection (a);

(B) the estimated end cost and appropriated funds by fiscal year, by hull, with the authority provided in subsection (a);

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

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

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

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

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

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

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

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

(c) AUTHORITY FOR ADVANCE PROCUREMENT.—The Secretary of the Navy may enter into one or more contracts for advance procurement associated with a vessel or vessels for which authorization to enter into a contract is provided under subsection (a), and for systems and subsystems associated with such vessels in economic order quantities when cost savings are achievable.

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

(e) MILESTONE DECISION AUTHORITY DEFINED.—In this section. the term ''milestone decision authority'' has the meaning given the term in section 2366a(d) of title 10, United States Code.

SEC. 125. FIGHTER FORCE STRUCTURE ACQUISITION STRATEGY.

(a) REPORT REQUIRED.—Not later than March 1, 2021, the Secretary of the Navy shall submit to the congressional defense committees a report with a fighter force structure acquisition strategy that is aligned with the results of the independent studies required under section 1064 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1576).The strategy shall establish a minimum number of F–35 and Next Generation Air Dominance (NGAD) aircraft that the Navy and Marine Corps would be required to purchase each year to mitigate or manage strike fighter shortfalls.

(b) LIMITATION ON DEVIATION FROM STRATEGY.—The Department of the Navy may not deviate from the acquisition strategy established under subsection (a) until—

(1) the Secretary of the Navy receives a waiver and justification from the Secretary of Defense; and

(2) 30 days after the Secretary of the Navy notifies the congressional defense committees of the proposed deviation.

SEC. 126. TREATMENT OF SYSTEMS ADDED BY CONGRESS IN FUTURE PRESIDENT'S BUDGET REQUESTS.

A procurement quantity of a system authorized by Congress in a National Defense Authorization Act for a given fiscal year that is subsequently appropriated by Congress in an amount greater than the quantity of such system included in the President's annual budget request submitted to Congress under section 1105 of title 31, United States Code, for such fiscal year shall not be included as a new procurement quantity in future annual budget requests.

SEC. 127. REPORT ON CARRIER WING COMPOSITION.

(a) REPORT.—Not later than May 1, 2021, the Secretary of the Navy, in consultation with the Chief of Naval Operations and Commandant of the Marine Corps, shall submit to the congressional defense committees a report on the optimal composition of the carrier air wing in 2030 and 2040, as well as alternative force design concepts.

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

(1) An analysis and justification used to reach the 50-50 mix of 4th and 5th generation aircraft for 2030.

(2) An analysis and justification for the 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.

SEC. 128. REPORT ON STRATEGY TO USE ALQ–249 NEXT GENERATION JAMMER TO ENSURE FULL SPECTRUM ELECTROMAGNETIC SUPERIORITY.

(a) REPORT.—Not later than July 30, 2021, the Secretary of the Navy, in consultation with the Vice Chairman of the Joint Chiefs, shall submit to the congressional defense committees report with a strategy to ensure full spectrum electromagnetic superiority using the ALQ-249 Next Generation Jammer.

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

(1) A description of the current procurement strategy of the ALQ–249 and the analysis of its capability to meet the RF frequency ranges required in a National Defense Strategy (NDS) conflict.

(2) An assessment of the ALQ–249's compatibility and ability to synchronize non-kinetic fires using other Joint Electronic Warfare (EW) platforms.

(3) A future model of an interlinked/interdependent electronic warfare menu of options for commanders at tactical, operational, and strategic levels.

Subtitle D—Air Force Programs

SEC. 141. ECONOMIC ORDER QUANTITY CONTRACTING AUTHORITY FOR F–35 JOINT STRIKE FIGHTER PROGRAM.

(a) AUTHORITY FOR ADVANCE PROCUREMENT AND ECONOMIC ORDER QUANTITY.—The Secretary of Defense may enter into one or more contracts, beginning with the fiscal year 2020 program year, for the procurement of economic order quantities of material and equipment for the F–35 aircraft program for use in procurement contracts to be awarded for such program during fiscal years 2021 through 2023.

(b) LIMITATION.—The total amount obligated in fiscal year 2021 under all contracts entered into under subsection (a) shall not exceed $493,000,000.

(c) PRELIMINARY FINDINGS.—Before entering into a contract under subsection (a), the Secretary shall make each of the following findings with respect to such contract:

(1) The use of such a contract will result in significant savings of the total anticipated costs of carrying out the program through annual contracts.

(2) The minimum need for the property to be procured is expected to remain substantially unchanged during the contemplated

contract period in terms of production rate, procurement rate, and total quantities.

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

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

(5) The estimates of both the cost of the contract and the anticipated cost avoidance through the use of an economic order quantity contract are realistic.

(6) Entering into the contract will promote the national security interests of the United States.

(d) CERTIFICATION REQUIREMENT.—Except as provided in subsection (e), the Secretary of Defense may not enter into a contract under subsection (a) until 30 days after the Secretary certifies to the congressional defense committees, in writing, that each of the following conditions is satisfied:

(1) A sufficient number of end items of the system being acquired under such contract have been delivered at or within the most recently available estimates of the program acquisition unit cost or procurement unit cost for such system to determine that the estimates of the unit costs are realistic.

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

(3) The contract is a fixed-price type contract.

(4) The proposed contract provides for production at not less than minimum economic rates given the existing tooling and facilities.

(5) The Secretary has determined that each of the conditions described in paragraphs (1) through (6) of subsection (c) will be met by such contract and has provided the basis for such determination to the congressional defense committees.

(6) The determination under paragraph (5) was made after the completion of a cost analysis performed by the Director of Cost Assessment and Program Evaluation for the purpose of section 2334(f)(2) of title 10, United States Code, and the analysis supports that determination.

(e) EXCEPTION.—Notwithstanding subsection (d), the Secretary of Defense may enter into a contract under subsection (a) on or after December 1, 2020, if—

(1) the Director of Cost Assessment and Program Evaluation has not completed a cost analysis of the preliminary findings made by the Secretary under subsection (c) with respect to the contract;

(2) the Secretary certifies to the congressional defense committees, in writing, that each of the conditions described in paragraphs (1) through (5) of subsection (d) is satisfied; and

(3) a period of 30 days has elapsed following the date on which the Secretary submits the certification under paragraph (2).

SEC. 142. MINIMUM AIRCRAFT LEVELS FOR MAJOR MISSION AREAS.

(a) MINIMUM LEVELS.—Except as provided under subsection (b), the Secretary of the Air Force shall maintain the following minima, based on Primary Mission Aircraft Inventory (PMAI):

(1) 1,182 Fighter aircraft.

(2) 190 Attack Remotely Piloted Aircraft (RPA).

(3) 92 Bomber aircraft.

(4) 412 Tanker aircraft.

(5) 230 Tactical airlift aircraft.

(6) 235 Strategic airlift aircraft.

(7) 84 Strategic Intelligence, Surveillance, and Reconnaissance (ISR) aircraft.

(8) 106 Combat Search and Rescue (CSAR) aircraft.

(b) EXCEPTIONS.—The Secretary of the Air Force may reduce the number of aircraft in the PMAI of the Air Force below the minima specified in subsection (a) only if—

(1) the Secretary certifies to the congressional defense committees that such reduction is justified by the results of the new capability and requirements studies; and

(2) a period of 30 days has elapsed following the date on which the certification is made to the congressional defense committees under paragraph (1).

(c) APPLICABILITY.—The limitation in subsection (a) shall not apply to aircraft that the Secretary of the Air Force determines, on a case-by-case basis, to be no longer mission capable because of mishaps, other damage, or being uneconomical to repair.

SEC. 143. MINIMUM OPERATIONAL SQUADRON LEVEL.

As soon as practicable after the date of the enactment of this Act and subject to the availability of appropriations, the Secretary of the Air Force shall seek to achieve a minimum of not fewer than 386 available operational squadrons, or equivalent organizational units, within the Air Force. In addition to the operational squadrons, the Secretary shall strive to achieve the following primary mission aircraft inventory (PMAI) numbers:

(1) 1,680 Fighter aircraft.

(2) 199 Persist attack remotely piloted aircraft (RPA).

(3) 225 Bomber aircraft.

(4) 500 Air refueling aircraft.

(5) 286 Tactical airlift aircraft.

(6) 284 Strategic airlift aircraft.

(7) 55 Command and control aircraft.

(8) 105 Combat search and rescue (CSAR) aircraft.

(9) 30 Intelligence, surveillance, and reconnaissance (ISR) aircraft.

(10) 179 Special operations aircraft.

(11) 40 Electronic warfare (EW) aircraft.

SEC. 144. MINIMUM AIR FORCE BOMBER AIRCRAFT LEVEL.

The Secretary of Defense shall submit to the congressional defense committees recommendations for a minimum number of bomber aircraft, including penetrating bombers in addition to B–52H aircraft, to enable the Air Force to carry out its long-range penetrating strike capability.

SEC. 145. F–35 GUN SYSTEM.

The Secretary of the Air Force shall begin the procurement process for an alternate 25mm ammunition solution that provides a true full-spectrum target engagement capability for the F–35A aircraft.

SEC. 146. PROHIBITION ON FUNDING FOR CLOSE AIR SUPPORT INTEGRATION GROUP.

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

SEC. 147. LIMITATION ON DIVESTMENT OF KC–10 AND KC–135 AIRCRAFT.

The Secretary of Defense may not divest KC–10 and KC–135 aircraft in excess of the following amounts:

(1) In fiscal year 2021, 6 KC–10 aircraft, including only 3 from primary mission aircraft inventory (PMAI).

(2) In fiscal year 2022, 12 KC–10 aircraft.

(3) In fiscal year 2023, 12 KC–10 and 14 KC–135 aircraft.

SEC. 148. LIMITATION ON RETIREMENT OF U–2 AND RQ–4 AIRCRAFT.

(a) LIMITATION.—The Secretary of the Air Force may not take any action that would prevent the Air Force from maintaining the fleets of U–2 aircraft or RQ–4 aircraft in their current, or improved, configurations and capabilities until the Chairman of the Joint Requirements Oversight Council certifies in writing to the appropriate committees of Congress that the capability to be fielded at the same time or before the retirement of the U–2 aircraft or RQ–4 aircraft (as the case may be) would result in equal or greater capability available to the commanders of the combatant commands and would not result in less capacity available to the commanders of the combatant commands.

(b) WAIVER.—The Secretary of Defense may waive the certification requirement under subsection (a) with respect to U–2 aircraft or RQ–4 aircraft if the Secretary—

(1) determines, after analyzing sufficient and relevant data, that a loss in capacity and capability will not prevent the combatant commanders from accomplishing their missions at acceptable levels of risk; and

(2) provides to the appropriate committees of Congress a certification of such determination and supporting analysis.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 149. LIMITATION ON DIVESTMENT OF F–15C AIRCRAFT IN THE EUROPEAN THEATER.

(a) IN GENERAL.—The Secretary of the Air Force may not divest F–15C aircraft in the European theater until the F–15EX aircraft is integrated into the Air Force and has begun bed down actions in the European theater.

(b) WAIVER.—The Secretary of Defense, after consultation with the Commander of the United States European Command (EUCOM), may waive the limitation under subsection (a) if the Secretary certifies to Congress the divestment is required for the national defense and that there exists sufficient resources at all times to meet NATO and EUCOM air superiority requirements for the European theater.

SEC. 150. AIR BASE DEFENSE DEVELOPMENT AND ACQUISITION STRATEGY.

(a) STRATEGY REQUIRED.—Not later than March 1, 2021, the Chief of Staff of the Air Force (CSAF), in consultation with the Chief of Staff of the Army (CSA), shall submit to the congressional defense committees a development and acquisition strategy to procure a capability to protect air bases and prepositioned sites in contested environments highlighted in the National Defense Strategy. The strategy should ensure a solution that is effective against current and emerging cruise missile and advanced hypersonic missile threats.

(b) LIMITATION ON USE OF OPERATION AND MAINTENANCE FUNDS.—Not more than 50 percent of the funds authorized to be appropriated by this Act for fiscal year 2021 for operation and maintenance for the Office of the Secretary of the Air Force and the Office of the Secretary of the Army may be obligated or expended until 15 days after submission of the strategy required under subsection (a).

SEC. 151. REQUIRED SOLUTION FOR KC–46 AIRCRAFT REMOTE VISUAL SYSTEM LIMITATIONS.

The Secretary of the Air Force shall develop and implement a complete, one-time

solution to the KC–46 aircraft remote visual system (RVS) operational limitations. Not later than October 1, 2020, the Secretary shall submit to the congressional defense committees an implementation strategy for the solution.

SEC. 152. ANALYSIS OF REQUIREMENTS AND ADVANCED BATTLE MANAGEMENT SYSTEM CAPABILITIES.

(a) ANALYSIS.—Not later than April 1, 2021, the Secretary of the Air Force, in consultation with the commanders of the combatant commands, shall develop an analysis of current and future moving target indicator requirements across the combatant commands and operational and tactical level command and control capabilities the Advanced Battle Management System (ABMS) will require when fielded.

(b) JROC REQUIREMENTS.—

(1) IN GENERAL.—Not later than 60 days after the Secretary of the Air Force develops the analysis under subsection (a), the Joint Requirements Oversight Council (JROC) shall certify that requirements for ABMS incorporate the findings of the analysis.

(2) CONGRESSIONAL NOTIFICATION.—The Joint Requirements Oversight Council (JROC) shall notify the congressional defense committees upon making the certification required under paragraph (1) and provide a briefing on the requirements and findings described in such paragraph not later than 30 days after such notification.

SEC. 153. STUDIES ON MEASURES TO ASSESS COST-PER-EFFECT FOR KEY MISSION AREAS.

(a) IN GENERAL.—Not later than January 1, 2021, the Secretary of the Air Force shall provide for the performance of two independent studies to devise new measures to assess cost-per-effect for key mission areas. One of the studies shall be conducted by an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, and one of the studies shall be conducted by a federally funded research and development center.

(b) SCOPE.—Each study conducted pursuant to subsection (a) shall address the following matters:

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

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

(3) Associated operation and maintenance costs necessary to facilitate respective operational constructs.

(4) Basing requirements for respective force constructs.

(5) Mission support elements required to facilitate specified operations.

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

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

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

(c) IMPLEMENTATION OF MEASURES.—The Secretary of the Air Force shall, as appropriate, incorporate the findings of the studies conducted pursuant to subsection (a) in the Air Force's future force development process. The measures—

(1) should be domain and platform agnostic;

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

(3) shall consider including harnessing cost-per-effect assessments as a key performance parameter within the Department of Defense's Joint Capabilities Integration and Development System (JCIDS) requirements process.

SEC. 154. PLAN FOR OPERATIONAL TEST AND UTILITY EVALUATION OF SYSTEMS FOR LOW-COST ATTRIBUTABLE AIRCRAFT TECHNOLOGY PROGRAM.

Not later than October 1, 2020, the Assistant Secretary of the Air Force for Acquisition, Technology, and Logistics shall—

(a) submit to the congressional defense committees an executable plan for the operational test and utility evaluation of the systems of the Low-Cost Attributable Aircraft Technology (LCAAT) program of the Air Force; and

(b) brief the congressional defense committees on such plan.

SEC. 155. PROHIBITION ON RETIREMENT OR DIVESTMENT OF A–10 AIRCRAFT.

The Secretary of Defense may not during fiscal year 2021 divest or retire any A–10 aircraft, in order to ensure ongoing capabilities to counter violent extremism and provide close air support and combat search and rescue in accordance with the National Defense Strategy.

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

SEC. 171. BUDGETING FOR LIFE-CYCLE COST OF AIRCRAFT FOR THE NAVY, ARMY, AND AIR FORCE: ANNUAL PLAN AND CERTIFICATION.

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

"§ 231a. Budgeting for life-cycle cost of aircraft for the Navy, Army, and Air Force: Annual plan and certification

''(a) ANNUAL AIRCRAFT PROCUREMENT PLAN AND CERTIFICATION.—Not later than 45 days after the date on which the President submits to Congress the budget for a fiscal year, the Secretary of Defense shall submit to the congressional defense committees—

''(1) a plan for the procurement of the aircraft specified in subsection (b) for the Department of the Navy, the Department of the Army, and the Department of the Air Force developed in accordance with this section; and

''(2) a certification by the Secretary that both the budget for such fiscal year and the future years defense program submitted to Congress in relation to such budget under section 221 of this title provide for funding of the procurement of aircraft at a level that is sufficient for the procurement of the aircraft provided for in the plan under paragraph (1) on the schedule provided in the plan.

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

''(1) Fighter aircraft.

''(2) Attack aircraft.

''(3) Bomber aircraft.

''(4) Intertheater lift aircraft.

''(5) Intratheater lift aircraft.

''(6) Intelligence, surveillance, and reconnaissance aircraft.

''(7) Tanker aircraft.

''(8) Remotely piloted aircraft.

''(9) Rotary-wing aircraft.

''(10) Operational support and executive lift aircraft.

''(11) Any other major support aircraft designated by the Secretary of Defense for purposes of this section.

''(c) ANNUAL AIRCRAFT PROCUREMENT PLAN.—(1) The annual aircraft procurement plan developed for a fiscal year for purposes of subsection (a)(1) should be designed so that the aviation force provided for under the plan is capable of supporting the national military strategy of the United States as set forth in the most recent National Defense Strategy submitted under section 113(g) of title 10, United States Code, and National Military Strategy submitted under section 153(b) of title 10, United States Code.

''(2) Each annual aircraft procurement plan shall include the following:

''(A) A detailed program for the procurement of the aircraft specified in subsection (b) for each of the Department of the Navy, the Department of the Army, and the Department of the Air Force over the next 30 fiscal years.

''(B) A description of the necessary aviation force structure to meet the requirements of the national military strategy of the United States or the most recent Quadrennial Defense Review, whichever is applicable under paragraph (1).

''(C) The estimated levels of annual investment funding necessary to carry out each aircraft program, together with a discussion of the procurement strategies on which such estimated levels of annual investment funding are based, set forth in aggregate for the Department of Defense and in aggregate for each military department.

''(D) The estimated level of annual funding necessary to operate, maintain, sustain, and support each aircraft program throughout the life-cycle of the program, set forth in aggregate for the Department of Defense and in aggregate for each military department.

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

''(i) a description of whether the cost estimate is derived from the cost estimate position of the military department or derived from the cost estimate position of the Office of Cost Analysis and Program Evaluation;

''(ii) if the cost estimate position of the military department and the cost estimate position of the Office of Cost Analysis and Program Evaluation differ by more than 5 percent for any aircraft program, an annotated cost estimate difference and sufficient rationale to explain the difference;

''(iii) the confidence or certainty level associated with the cost estimate for each aircraft program; and

''(iv) a certification that cost between different services and aircraft are based on similar components in the life-cycle cost of each program.

''(F) An assessment by the Secretary of Defense of the extent to which the combined aircraft forces of the Department of the Navy, the Department of the Army, and the Department of the Air Force meet the national security requirements of the United States.

''(3) For any cost estimate required by paragraph (2)(C) or (D), for any aircraft program for which the Secretary is required to include in a report under section 2432 of this title, the source of the cost information used to prepare the annual aircraft plan, shall be sourced from the Selected Acquisition Report data that the Secretary plans to submit to the congressional defense committees in accordance with subsection (f) of that section for the year for which the annual aircraft plan is prepared.

''(4) The annual aircraft procurement plan shall be submitted in unclassified form and shall contain a classified annex. A summary version of the unclassified report shall be made available to the public.

''(d) ASSESSMENT WHEN AIRCRAFT PROCUREMENT BUDGET IS INSUFFICIENT TO MEET APPLICABLE REQUIREMENTS.—If the budget for a fiscal year provides for funding of the procurement of aircraft for the Department of the Navy, the Department of the Army, or the Department of the Air Force at a level that is not sufficient to sustain the aviation force structure specified in the aircraft procurement plan for such Department for that fiscal year under subsection (a), the Secretary shall include with the defense budget materials for that fiscal year an assessment that describes and discusses the risks associated with the reduced force structure of aircraft that will result from funding aircraft

procurement at such level. The assessment shall be coordinated in advance with the commanders of the combatant commands.

''(e) ANNUAL REPORT ON AIRCRAFT INVENTORY.—(1) As part of the annual plan and certification required to be submitted under this section, the Secretary shall include a report on the aircraft in the inventory of the Department of Defense. Each such report shall include the following, for the year covered by the report:

''(A) The total number of aircraft in the inventory.

''(B) The total number of the aircraft in the inventory that are active, stated in the following categories (with appropriate subcategories for mission aircraft, training aircraft, dedicated test aircraft, and other aircraft):

''(i) Primary aircraft.

''(ii) Backup aircraft.

''(iii) Attrition and reconstitution reserve aircraft.

''(C) The total number of the aircraft in the inventory that are inactive, stated in the following categories:

''(i) Bailment aircraft.

''(ii) Drone aircraft.

''(iii) Aircraft for sale or other transfer to foreign governments.

''(iv) Leased or loaned aircraft.

''(v) Aircraft for maintenance training.

''(vi) Aircraft for reclamation.

''(vii) Aircraft in storage.

''(D) The aircraft inventory requirements approved by the Joint Chiefs of Staff.

''(2) Each report submitted under this subsection shall set forth each item described in paragraph (1) separately for the regular component of each armed force and for each reserve component of each armed force and, for each such component, shall set forth each type, model, and series of aircraft provided for in the future-years defense program that covers the fiscal year for which the budget accompanying the plan, certification and report is submitted.

''(f) DEFINITION OF BUDGET.—In this section, the term 'budget', with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.''.

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

''231a. Budgeting for life-cycle cost of aircraft for the Navy, Army, and Air Force: Annual plan and certification.''.

SEC. 172. AUTHORITY TO USE F–35 AIRCRAFT WITHHELD FROM DELIVERY TO GOVERNMENT OF TURKEY.

The Secretary of the Air Force is authorized to utilize, modify, and operate the 6 F–35 aircraft that were accepted by the Government of Turkey but never delivered because Turkey was suspended from the F–35 program.

SEC. 173. TRANSFER FROM COMMANDER OF UNITED STATES STRATEGIC COMMAND TO CHAIRMAN OF THE JOINT CHIEFS OF STAFF OF RESPONSIBILITIES AND FUNCTIONS RELATING TO ELECTROMAGNETIC SPECTRUM OPERATIONS.

(a) TRANSFER.—Not later than one year after the date of the enactment of this Act and subject to subsection (c), the Secretary of Defense shall transition to the Chairman of the Joint Chiefs of Staff as a Chairman's Controlled Activity all of the responsibilities and functions of the Commander of United States Strategic Command that are germane to electromagnetic spectrum operations, including—

(1) advocacy for joint electronic warfare capabilities,

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

(3) supporting combatant command joint training and planning related to electromagnetic spectrum operations.

(b) RESPONSIBILITY OF VICE CHAIRMAN OF THE JOINT CHIEFS OF STAFF AS THE ELECTRONIC WARFARE SENIOR DESIGNATED OFFICIAL.—The Vice Chairman of the Joint Chiefs of Staff, as the Electronic Warfare Senior Designated Official, shall be responsible for the following:

(1) Executing the functions transitioned to the Chairman of the Joint Chiefs of Staff under subsection (a).

(2) Overseeing, with the Chief Information Officer of the Department of Defense, the development and implementation of the Electromagnetic Spectrum Superiority Strategy of the Department of Defense and subsequent Department-wide electromagnetic spectrum and electronic warfare strategies.

(3) Managing the Joint Electronic Warfare Center and the Joint Electromagnetic Preparedness for Advanced Combat organizations.

(4) Overseeing, through the Joint Requirements Oversight Council and the Electromagnetic Spectrum Operations cross-functional team, the acquisition activities of the military services as they relate to electromagnetic spectrum operations.

(5) Overseeing and, as appropriate, setting standards for the individual and unit training programs of the military services and the joint training and mission rehearsal programs of the combatant commands as they relate to electromagnetic spectrum operations.

(6) Overseeing the development of tactics, techniques, and procedures germane to electromagnetic spectrum operations.

(7) Overseeing the integration of electromagnetic spectrum operations into operation plans and contingency plans.

(8) Developing and integrating into the joint warfighting concept operational concepts for electromagnetic spectrum operations, including the following:

(A) The roles and responsibilities of each of the military services and their primary contributions to the joint force.

(B) The primary targets for offensive electromagnetic spectrum operations and their alignment to the military services and relevant capabilities.

(C) The armed forces' positioning, scheme of maneuver, kill chains, and tactics, techniques, and procedures, as appropriate, to conduct offensive electromagnetic spectrum operations.

(D) The armed forces' positioning, scheme of maneuver, kill chains, and tactics, techniques, and procedures, as appropriate, to detect, disrupt, avoid, or render ineffective adversary electromagnetic spectrum operations.

(c) PERIOD OF EFFECT OF TRANSFER.—

(1) IN GENERAL.—The transfer required by subsection (a) and the responsibilities specified in subsection (b) shall remain in effect until such date as the Chairman of the Joint Chiefs of Staff considers appropriate, except that such date shall not be earlier than the date that is 180 days after the date on which the Chairman submits to the congressional defense committees notice that—

(A) the Chairman has made a determination that—

(i) the military services', geographic combatant commands', and functional combatant commands' electromagnetic spectrum operations expertise, capabilities, and execution are sufficiently robust; and

(ii) an alternative arrangement described in paragraph (2) is justified; and

(B) the Chairman intends to transfer responsibilities and activities in order to carry out such alternative arrangement.

(2) ALTERNATIVE ARRANGEMENT DESCRIBED.—An alternative arrangement described in this paragraph is an arrangement in which certain oversight, advocacy, and coordination functions allotted to the Chairman or Vice Chairman of the Joint Chiefs of Staff by subsections (a) and (b) are performed either by a single combatant command or by the individual geographic and functional combatant commands responsible for executing electromagnetic spectrum operations with long-term supervision by the Chairman or Vice Chairman of the Joint Chiefs of Staff.

(d) EVALUATIONS OF ARMED FORCES.—

(1) IN GENERAL.—The Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, the Commandant of the Marine Corps, and the Chief of Space Operations shall each conduct and complete an evaluation of the armed forces for their respective military services and their ability to perform the electromagnetic spectrum operations missions required of them in—

(A) the Electromagnetic Spectrum Superiority Strategy;

(B) the Joint Staff-developed concept of operations; and

(C) the operation and contingency plans of the combatant commanders.

(2) ELEMENTS.—Each evaluation under paragraph (1) shall include assessment of the following:

(A) Current programs of record, including—

(i) the ability of weapon systems to perform missions in contested electromagnetic spectrum environments; and

(ii) the ability of electronic warfare capabilities to disrupt adversary operations.

(B) Future programs of record, including—

(i) the need for distributed or network-centric electronic warfare and signals intelligence capabilities; and

(ii) the need for automated and machine learning- or artificial intelligence-assisted electronic warfare capabilities.

(C) Order of battle.

(D) Individual and unit training.

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

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

(ii) integration of nonkinetic and kinetic fires.

(e) EVALUATION OF COMBATANT COMMANDS.—

(1) IN GENERAL.—The Commander of the United States European Command, the Commander of the United States Pacific Command, and the Commander of the United States Central Command shall each conduct and complete an evaluation of the plans and posture of their respective commands to execute the electromagnetic spectrum operations envisioned in—

(A) the Electromagnetic Spectrum Superiority Strategy; and

(B) the Joint Staff-developed concept of operations.

(2) ELEMENTS.—Each evaluation under paragraph (1) shall include assessment of the following:

(A) Operation and contingency plans.

(B) The manning, organizational alignment, and capability of joint electromagnetic spectrum operations cells.

(C) Mission rehearsal and exercises.

(D) Force positioning, posture, and readiness.

(f) SEMIANNUAL BRIEFING.—Not less frequently than twice each year until January 1, 2026, the Vice Chairman of the Joint Chiefs of Staff shall brief the Committee on Armed

Services of the Senate and the Committee on Armed Services of the House of Representatives on the implementation of this section by each of the Joint Staff, the military services, and the combatant commands.

SEC. 174. CRYPTOGRAPHIC MODERNIZATION SCHEDULES.

(a) CRYPTOGRAPHIC MODERNIZATION SCHEDULES REQUIRED.—Each of the Secretaries of the military departments and the heads of relevant defense agencies and field activities shall establish and maintain a cryptographic modernization schedule that specifies, for each pertinent weapon system, command and control system, or data link, including those that use commercial encryption technologies, as relevant, the following:

(1) The expiration date or cease key date for applicable cryptographic algorithms.

(2) Anticipated key extension requests for systems where cryptographic modernization is assessed to be overly burdensome and expensive or to provide limited operational utility.

(3) The funding and deployment schedule for modernized cryptographic algorithms, keys, and equipment over the Future Years Defense Program.

(b) REQUIREMENTS FOR CHIEF INFORMATION OFFICER.—The Chief Information Officer of the Department of Defense shall—

(1) oversee the construction and implementation of the cryptographic modernization schedules required by subsection (a);

(2) establish and maintain an integrated cryptographic modernization schedule for the entire Department, collating the cryptographic modernization schedules required under subsection (a); and

(3) in coordination with the Director of the National Security Agency and the Joint Staff Director for Command, Control, Communications, and Computers/Cyber, use the budget certification, standard-setting, and policy-making authorities provided in section 142 of title 10, United States Code, to amend military service and defense agency and field activity plans for key extension requests and cryptographic modernization funding and deployment that pose unacceptable risk to military operations.

(c) ANNUAL NOTICES.—Not later than January 1, 2022, and not less frequently than once each year thereafter until January 1, 2026, the Chief Information Officer of the Department and the Joint Staff Director for Command, Control, Communications, and Computers/Cyber shall jointly submit to the congressional defense committees notification of all—

(1) delays to or planned delays of military service and defense agency and field activity funding and deployment of modernized cryptographic algorithms, keys, and equipment over the previous year; and

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

(A) unscheduled or unanticipated key extension requests; and

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

SEC. 175. PROHIBITION ON PURCHASE OF ARMED OVERWATCH AIRCRAFT.

The Secretary of the Air Force may not purchase any aircraft for the Air Force Special Operations Command for the purpose of ''armed overwatch'' until such time as the Chief of Staff of the Air Force certifies to the congressional defense committees that general purpose forces of the Air Force do not have the skill or capacity to provide close air support and armed overwatch to United States forces deployed operationally.

SEC. 176. SPECIAL OPERATIONS ARMED OVERWATCH.

(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act for the Department of Defense may be used to acquire armed overwatch aircraft for the United States Special Operations Command, and the Department of Defense may not acquire armed overwatch aircraft for the United States Special Operations Command in fiscal year 2021.

(b) ANALYSIS REQUIRED.—

(1) IN GENERAL.—Not later than July 1, 2021, the Secretary of Defense, in coordination with the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict and the Commander of the United States Special Operations Command, shall conduct an analysis to define the special operations-peculiar requirements for armed overwatch aircraft and to determine whether acquisition of a new special operations-peculiar platform is the most cost effective means of fulfilling such requirements.

(2) ELEMENTS.—At a minimum, the analysis of alternatives required under paragraph (1) shall include—

(A) a description of the concept of operations for employing armed overwatch aircraft in support of ground forces;

(B) an identification of geographic regions in which armed overwatch aircraft could be deployed;

(C) an identification of the most likely antiaircraft threats in geographic areas where armed overwatch aircraft will be deployed and possible countermeasures to defeat such threats;

(D) a defined requirement for special operations-peculiar armed overwatch aircraft, including an identification of threshold and objective performance parameters for armed overwatch aircraft;

(E) an analysis of alternatives comparing various manned and unmanned aircraft in the current aircraft inventory of the United States Special Operations Command and a new platform for meeting requirements for the armed overwatch mission, including for each alternative considered;

(F) an identification of any necessary aircraft modifications and the associated cost;

(G) the annual cost of operating and sustaining such aircraft;

(H) an identification of any required military construction costs;

(I) an explanation of how the acquisition of a new armed overwatch aircraft would impact the overall fleet of special operations-peculiar aircraft and the availability of aircrews and maintainers;

(J) an explanation of why existing Air Force and United States Special Operations Command close air support and airborne intelligence capabilities are insufficient for the armed overwatch mission; and

(K) any other matters determined relevant by the Secretary of Defense.

SEC. 177. AUTONOMIC LOGISTICS INFORMATION SYSTEM REDESIGN STRATEGY.

Not later than October 1, 2020, the Under Secretary of Defense for Acquisition and Sustainment, in consultation with the F–35 Program Executive Officer, shall—

(1) submit to the congressional defense committees a report describing a program-wide process for measuring, collecting, and tracking information on how the Autonomic Logistics Information System (ALIS) is affecting the performance of the F–35 fleet, including its effects on mission capability rates; and

(2) implement a strategy for the redesign of ALIS, including the identification and assessment of goals, key risks or uncertainties, and costs of redesigning the system.

SEC. 178. CONTRACT AVIATION SERVICES IN A COUNTRY OR IN AIRSPACE IN WHICH A SPECIAL FEDERAL AVIATION REGULATION APPLIES.

(a) IN GENERAL.—When the Department of Defense contracts for aviation services to be performed in a foreign country, or in airspace, in which a Special Federal Aviation Regulation issued by the Federal Aviation Administration would preclude operation of such aviation services by an air carrier or commercial operator of the United States, the Secretary of Defense (or a designee of the Secretary) shall—

(1) obtain approval from the Administrator of the Federal Aviation Administration (or a designee of the Administrator) for the air carrier or commercial operator of the United States to deviate from the Special Federal Aviation Regulation to the extent necessary to perform such aviation services;

(2) designate the aircraft of the air carrier or commercial operator of the United States to be State Aircraft of the United States when performing such aviation services; or

(3) use organic aircraft to perform such aviation services in lieu of aircraft of an air carrier or commercial operator of the United States.

(b) CONSTRUCTION OF DESIGNATION.—The designation of aircraft of an air carrier or commercial operator of the United States as State Aircraft of the United States under subsection (a)(2) shall have no effect on Federal Aviation Administration requirements for—

(1) safety oversight responsibility for the operation of aircraft so designated, except for those activities prohibited or restricted by an applicable Special Federal Aviation Regulation; and

(2) any previously issued nonpremium aviation insurance or reinsurance policy issued to the air carrier or commercial operator of the United States for the duration of aviation services performed as a State Aircraft of the United States under that subsection.

SEC. 179. F–35 AIRCRAFT MUNITIONS.

The Secretary of the Air Force and the Secretary of the Navy shall qualify and certify, for the use of United States forces, additional munitions on the F–35 aircraft that are already qualified on NATO member F–35 partner aircraft.

SEC. 180. AIRBORNE INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE ACQUISITION ROADMAP FOR UNITED STATES SPECIAL OPERATIONS COMMAND.

(a) IN GENERAL.—Not later than December 1, 2021, the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict and the Commander of the United States Special Operations Command shall jointly submit to the congressional defense committees an acquisition roadmap to meet the manned and unmanned airborne intelligence, surveillance, and reconnaissance requirements of United States Special Operations Forces.

(b) ELEMENTS.—The roadmap required under subsection (a) shall include, at a minimum, the following:

(1) A description of the current platform requirements for manned and unmanned airborne intelligence, surveillance, and reconnaissance capabilities to support United States Special Operations Forces.

(2) An analysis of the remaining service life of existing manned and unmanned airborne intelligence, surveillance, and reconnaissance capabilities currently operated by United States Special Operations Forces.

(3) An identification of any current or anticipated special operations-peculiar capability gaps.

(4) A description of the future manned and unmanned intelligence, surveillance, and reconnaissance platform requirements of the United States Special Operations Forces, including range, payload, endurance, ability to operate in contested environments, and other requirements as appropriate.

(5) An explanation of the anticipated mix of manned and unmanned aircraft, number of

platforms, and associated aircrew and maintainers.

(6) An explanation of the extent to which service-provided manned and unmanned airborne intelligence, surveillance, and reconnaissance capabilities will be required in support of United States Special Operations Forces and how such capabilities will supplement and integrate with the organic capabilities possessed by United States Special Operations Forces.

(7) Any other matters deemed relevant by the Assistant Secretary and Commander.

SEC. 181. REQUIREMENT TO ACCELERATE THE FIELDING AND DEVELOPMENT OF COUNTER UNMANNED AERIAL SYSTEMS ACROSS THE JOINT FORCE.

(a) PRIORITY OBJECTIVES FOR EXECUTIVE AGENT FOR C-UAS.—The Executive Agent of the Joint Counter Small Unmanned Aerial Systems (C-sUAS) Office, as designated by the Under Secretary of Defense, Acquisition and Sustainment, shall prioritize the following objectives:

(1) Select counter unmanned aerial systems that can be fielded as early as fiscal year 2021 to meet immediate operational needs in countering Group 1, 2, and 3 unmanned aerial systems with the potential to expand to other larger systems.

(2) Devise and execute a near-term plan to develop and field a select set of counter unmanned aerial systems to meet joint force requirements, beginning in fiscal year 2021.

(b) FIELDING C-UAS SYSTEMS IN FISCAL YEAR 2021.—Pursuant to subsection (a)(1), the Executive Agent shall prioritize the selection of counter unmanned aerial systems that can be fielded in fiscal year 2021 with specific emphasis on systems that—

(1) have undergone effective combat validations;

(2) meet the operational demands of deployed forces facing the most significant threats, especially unmanned aerial systems that are not remotely piloted or are not reliant on a command link; and

(3) utilize autonomous systems and processes that increase operational effectiveness, reduce the manning demands on operational forces, and limit the need for government-funded contractor logistics support.

(c) NEAR-TERM DEVELOPMENT PLAN.—The plan for the near-term development of counter unmanned aerial systems prioritized under subsection (a)(2) shall ensure, at a minimum, that the development of such systems—

(1) builds, as much as practicable, upon systems that were selected for fielding in fiscal year 2021 and the criteria prioritized for their selection, as specified in subsection (b);

(2) reduces or accelerates the timeline for initial operational capability and full operational capability;

(3) utilizes a software-defined, family-of-systems approach that enables the flexible and continuous integration of different types of sensors and mitigation solutions based on the different demands of particular military installations and deployed forces, physical geographies, and threat profiles; and

(4) gives preference to commercial items, as required in section 3307 of title 41, United States Code, when making selections of counter unmanned aerial systems or component parts, including a common command and control system.

(d) BRIEFING.—Not later than 60 days after the date of the enactment of this Act, the Executive Agent shall brief the congressional defense committees on the selection process for counter unmanned aerial systems capabilities prioritized under paragraph (1) of subsection (a) and the plan prioritized under paragraph (2) of such subsection.

(e) OVERSIGHT.—The Executive Agent shall—

(1) oversee the program management and execution of all counter unmanned aerial systems being developed within the military departments on the day before the date of the enactment of this Act; and

(2) ensure that the plan prioritized under subsection (a)(2) guides future programmatic and funding decisions for activities relating to counter unmanned aerial systems, including cancellation of such activities.

SEC. 182. JOINT ALL DOMAIN COMMAND AND CONTROL REQUIREMENTS.

(a) PRODUCTION OF REQUIREMENTS BY JOINT REQUIREMENTS OVERSIGHT COUNCIL.—Not later than October 1, 2020, the Joint Requirements and Oversight Council (JROC) shall produce requirements for the Joint All Domain Command and Control (JADC2) program.

(b) AIR FORCE CERTIFICATION.—Immediately after the certification of requirements produced under subsection (a), the Chief of Staff of the Air Force shall submit to the congressional defense committees a certification that the current JADC2 effort, including programmatic and architecture efforts, being led by the Air Force will meet the requirements laid out by the JROC.

(c) CERTIFICATION BY OTHER SERVICES.—Not later than January 1, 2021, the chief of each other military service shall submit to the congressional defense committees a certification whether that service's efforts on multi-domain command and control are compatible with the Air Force-led JADC2 architecture.

(d) BUDGETING.—The Secretary of Defense shall incorporate the expected costs for full development and implementation of the JADC2 program across the Department in the President's budget submission to Congress for fiscal year 2022 under section 1105 of title 31, United States Code.

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 2021 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. DESIGNATION AND ACTIVITIES OF SENIOR OFFICIALS FOR CRITICAL TECHNOLOGY AREAS SUPPORTIVE OF THE NATIONAL DEFENSE STRATEGY.

(a) DESIGNATION OF SENIOR OFFICIALS.—The Under Secretary for Research and Engineering shall designate a set of senior officials to coordinate research and engineering in such technology areas as the Under Secretary considers critical for the support of the National Defense Strategy.

(b) DUTIES.—The duties of the senior officials designated under subsection (a) shall include, within their respective technology areas—

(1) developing and continuously updating research and technology development roadmaps, associated funding strategies, and associated technology transition strategies to ensure effective and efficient development of new capabilities and operational use of appropriate technologies;

(2) annual assessments of workforce, infrastructure, and industrial base capabilities and capacity to support the roadmaps developed under paragraph (1) and the goals of the National Defense Strategy;

(3) reviewing the relevant research and engineering budgets of appropriate organizations within the Department of Defense, including the military services, and advising the Under Secretary on—

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

(B) any technical and programmatic risks to achieving the research and technology development goals of the National Defense Strategy; and

(C) projects and activities with unwanted or inefficient duplication, including with other government agencies and the commercial sector, lack of appropriate coordination with relevant organizations, or inappropriate alignment with organizational missions and capabilities;

(4) coordinating research and engineering activities of the Department with appropriate international, interagency, and private sector organizations; and

(5) tasking the appropriate intelligence agencies to develop a direct comparison between the capabilities of the United States and the capabilities of adversaries of the United States.

(c) ANNUAL REPORTS.—

(1) IN GENERAL.—Not later than December 1, 2021, and not later than December 1 of each year thereafter until December 1, 2025, the Under Secretary shall submit to the congressional defense committees a report of successful examples of research and engineering activities that have—

(A) achieved significant technical progress;

(B) transitioned to formal acquisition programs;

(C) transitioned into operational use; or

(D) transferred for further commercial development or commercial sales.

(2) FORM.—Each report submitted under paragraph (1) shall be submitted in a publicly releasable format, but may include a classified annex.

(d) COORDINATION OF RESEARCH AND ENGINEERING ACTIVITIES.—The Service Acquisition Executive for each military services and the Director of the Defense Advanced Research Projects Agency shall each identify senior officials to ensure coordination of appropriate research and engineering activities with each of the senior officials designated under subsection (a).

SEC. 212. GOVERNANCE OF FIFTH-GENERATION WIRELESS NETWORKING IN THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—In carrying out the responsibilities established in section 142 of title 10, United States Code, the Chief Information Officer (CIO) of the Department of Defense shall—

(1) lead the cross-functional team established pursuant to subsection (c); and

(2) serve as the senior designated official for fifth-generation wireless networking (commonly known as ''5G'') policy, oversight, guidance, research, and coordination in the Department.

(b) RESPONSIBILITIES.—The Chief Information Officer shall have, with respect to authorities referenced in subsection (a), the following responsibilities:

(1) Proposing governance, management, and organizational policy for fifth-generation wireless networking to the Secretary of Defense, in consultation with the heads of the constituent organizations of the cross-functional team established pursuant to subsection (c).

(2) Leading the cross-functional team established pursuant to subsection (c).

(c) CROSS-FUNCTIONAL TEAM FOR FIFTH-GENERATION WIRELESS NETWORKING.—

(1) ESTABLISHMENT REQUIRED.—The Secretary of Defense shall, in accordance with section 911(c) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 111 note), establish a cross-functional team for fifth-generation wireless networking in order—

(A) to advance the development and adoption of next generation wireless communication technologies, capabilities, security, and

applications in the Department of Defense, the defense industrial base, and the commercial sector; and

(B) to support public-private partnership between the Department and industry regarding fifth-generation wireless networking.

(2) PURPOSE.—The purpose of the cross-functional team established pursuant to paragraph (1) shall be the—

(A) oversight of the implementation of the strategy developed as required by section 254 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) for harnessing fifth-generation wireless networking technologies, coordinated across all relevant elements of the Department;

(B) coordination of research and development, implementation and acquisition activities, warfighting concept development, spectrum policy, industrial policy and commercial outreach and partnership relating to fifth-generation wireless networking in the Department of Defense, and interagency and international engagement;

(C) integration of the Department of Defense's fifth-generation wireless networking programs and policies with major Department initiatives, programs, and policies surrounding secure microelectronics and command and control; and

(D) oversight, coordination, execution, and leadership of, as appropriate, Department of Defense initiatives to advance the national deployment of fifth-generation wireless networks and associated applications in the Federal Government and relevant commercial partners.

(d) ROLES AND RESPONSIBILITIES.—The Secretary of Defense, through the cross-functional team established under subsection (c), shall define the roles of the organizations within the Office of the Secretary of Defense, Department of Defense intelligence components, military services, defense agencies and field activities, combatant commands, and the Joint Staff, for fifth-generation wireless networking policy and programs within the Department.

(e) BRIEFING.—Not later than March 15, 2021, the Secretary shall submit to the congressional defense committees a briefing on the establishment of the cross-functional team pursuant to subsection (c) and the roles and responsibilities defined pursuant to subsection (d).

(f) RULE OF CONSTRUCTION.—

(1) IN GENERAL.—Nothing in this section shall be construed as providing the Chief Information Officer immediate responsibility for the Department's activities in fifth-generation wireless networking experimentation and science and technology development.

(2) PURVIEW OF EXPERIMENTATION AND SCIENCE AND TECHNOLOGY DEVELOPMENT.—The activities described in paragraph (1) shall remain within the purview of the Under Secretary of Defense for Research and Engineering, but shall inform and be informed by the activities of the cross-functional team established pursuant to subsection (c).

SEC. 213. APPLICATION OF ARTIFICIAL INTELLIGENCE TO THE DEFENSE REFORM PILLAR OF THE NATIONAL DEFENSE STRATEGY.

(a) IDENTIFICATION OF USE CASES.—The Secretary of Defense, acting through such officers and employees of the Department of Defense as the Secretary considers appropriate, including the chief data officers and chief management officers of the military departments, shall identify a set of no fewer than five use cases of the application of existing artificial intelligence enabled systems to support improved management of enterprise acquisition, personnel, audit, or financial management functions, or other appropriate management functions, that are consistent with reform efforts that support the National Defense Strategy.

(b) PROTOTYPING ACTIVITIES ALIGNED TO USE CASES.—The Secretary, acting through the Under Secretary of Defense for Research and Engineering and in coordination with the Director of the Joint Artificial Intelligence Center and such other officers and employees as the Secretary considers appropriate, shall pilot technology development and prototyping activities that leverage commercially available technologies and systems to demonstrate new artificial intelligence enabled capabilities to support the use cases identified under subsection (a).

(c) BRIEFING.—Not later than October 1, 2021, the Secretary shall provide to the congressional defense committees a briefing summarizing the activities carried out under this section.

SEC. 214. EXTENSION OF AUTHORITIES TO ENHANCE INNOVATION AT DEPARTMENT OF DEFENSE LABORATORIES.

(a) EXTENSION OF PILOT PROGRAM FOR THE ENHANCEMENT OF THE RESEARCH, DEVELOPMENT, TEST, AND EVALUATION CENTERS OF THE DEPARTMENT OF DEFENSE.—Section 233(e) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 2358 note) is amended by striking ''September 30, 2022'' and inserting ''September 30, 2025''.

(b) EXTENSION OF PILOT PROGRAM TO IMPROVE INCENTIVES FOR TECHNOLOGY TRANSFER FROM DEPARTMENT OF DEFENSE LABORATORIES.—Subsection (e) of section 233 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2514 note) is amended to read as follows:

''(e) SUNSET.—The pilot program under this section shall terminate on September 30, 2025.''.

SEC. 215. UPDATES TO 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; 10 U.S.C. 2358 note), as amended by section 220 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), is further amended—

(1) by redesignating subsection (e) as subsection (f); and

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

''(e) USE OF QUANTUM COMPUTING CAPABILITIES.—The Secretary of each military department shall—

''(1) develop and annually update a list of technical problems and research challenges which are likely to be addressable by quantum computers available for use within in the next one to three years, with a priority for technical problems and challenges where quantum computing systems have performance advantages over traditional computing systems, in order to enhance the capabilities of such quantum computers and support the addressing of relevant technical problems and research challenges; and

''(2) establish programs and enter into agreements with appropriate medium and small businesses with functional quantum computing capabilities to provide such private sector capabilities to government, industry, and academic researchers working on relevant technical problems and research activities.''.

SEC. 216. PROGRAM OF PART-TIME AND TERM EMPLOYMENT AT DEPARTMENT OF DEFENSE SCIENCE AND TECHNOLOGY REINVENTION LABORATORIES OF FACULTY AND STUDENTS FROM INSTITUTIONS OF HIGHER EDUCATION.

(a) PROGRAM REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish a program to provide part-time or term employment in Department of Defense science and technology reinvention laboratories for—

(1) faculty of institutions of higher education who have expertise in science, technology, engineering, or mathematics to conduct research projects in such laboratories; and

(2) students at such institutions to assist such faculty in conducting such research projects.

(b) NUMBER OF POSITIONS.—

(1) IN GENERAL.—Not later than one year after the date of the commencement of the program established under subsection (a), the Secretary shall, under such program, establish at least 10 positions of employment described in such subsection for faculty described in paragraph (1) of such subsection.

(2) ARTIFICIAL INTELLIGENCE AND MACHINE LEARNING.—Of the positions established under paragraph (1), at least five of such positions shall be for faculty conducting research in the area of artificial intelligence and machine learning.

(c) SELECTION.—The Secretary, acting through the directors of the laboratories described in subsection (a), shall select faculty described in paragraph (1) of such subsection for participation in the program established under such subsection on the basis of—

(1) the academic credentials and research experience of the faculty;

(2) the potential contribution to Department objectives by the research that will be conducted by the faculty under the program; and

(3) the qualifications of any students who will be assisting the faculty in such research and the role and credentials of such students.

(d) AUTHORITIES.—In carrying out the program established under subsection (a), the Secretary and the directors of the laboratories described in such subsection may—

(1) use any hiring authority available to the Secretary or the directors, including any authority available under a laboratory demonstration program, direct hiring authority under section 1599h of title 10, United States Code, and expert hiring authority under section 3109 of title 5, United States Code;

(2) utilize cooperative research and development agreements under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) to enable sharing of research and expertise with institutions of higher education and the private sector; and

(3) provide referral bonuses to program participants who identify students to assist in a research project under the program or to participate in laboratory internship programs and the Pathways Internship Program.

(e) ANNUAL REPORTS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act and not less frequently than once each year thereafter until the date that is three years after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the program established under subsection (a).

(2) CONTENTS OF FIRST REPORT.—The first report submitted under paragraph (1) shall address, at a minimum, the following:

(A) The number of faculty and students employed under the program.

(B) The laboratories employing such faculty and students.

(C) The types of research conducted or to be conducted by such faculty or students.

(3) CONTENTS OF SUBSEQUENT REPORTS.—Each report submitted under paragraph (1) after the first report shall address, at a minimum, the following:

(A) The matters set forth in subparagraphs (A) through (C) of paragraph (2).

(B) The number of interns and recent college graduates hired pursuant to referrals under subsection (d)(3).

(C) The results of research conducted under the program.

(f) DEPARTMENT OF DEFENSE SCIENCE AND TECHNOLOGY REINVENTION LABORATORY DEFINED.—In this section, the term ''Department of Defense science and technology reinvention laboratory'' means the entities designated by section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 2358 note).

SEC. 217. IMPROVEMENTS TO TECHNOLOGY AND NATIONAL SECURITY FELLOWSHIP OF DEPARTMENT OF DEFENSE.

(a) MODIFICATION REGARDING BASIC PAY.—Subsection (a)(4)(A) of section 235 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended—

(1) by striking ''equivalent to'' and inserting ''not less than''; and

(2) by inserting ''and not more than the rate of basic pay payable for a position at level 15 of such schedule'' before the semicolon.

(b) BACKGROUND CHECKS.—Subsection (b) of such section is amended by adding at the end the following new paragraph:

''(3) BACKGROUND CHECK REQUIREMENT.—No individual may participate in the fellows program without first undergoing a background check that the Secretary considers appropriate for participation in the fellows program.''.

SEC. 218. DEPARTMENT OF DEFENSE RESEARCH, DEVELOPMENT, AND DEPLOYMENT OF TECHNOLOGY TO SUPPORT WATER SUSTAINMENT.

(a) IN GENERAL.—The Secretary of Defense shall research, develop, and deploy advanced technologies that support water sustainment with technologies that capture ambient humidity and harvest, recycle, and reuse water.

(b) GOAL.—Under subsection (a), the Secretary shall seek to develop water systems that reduce weight and logistics support and transition such advanced technologies for use by expeditionary forces by January 1, 2025.

(c) MODULAR PLATFORMS.—In carrying out subsection (a), the Secretary shall develop the following:

(1) Modular platforms that are easily transportable.

(2) Trailer mounted systems that will reduce resupply.

(3) Storage requirements at forward operating bases.

(d) PARTNERSHIPS AND EXISTING TECHNIQUES AND TECHNOLOGIES.—In carrying out subsection (a), the Secretary shall seek—

(1) to enter into partnerships with foreign militaries and organizations that have proven they have the ability to operate in water constrained areas;

(2) to leverage existing techniques and technologies; and

(3) to apply such techniques and technologies to military operations carried out by the United States.

(e) COMMERCIAL OFF-THE-SHELF TECHNOLOGIES.—In carrying out subsection (a), in addition to technology described in such subsection, the Secretary shall consider using commercial off-the-shelf technologies for cost savings and near ready deployment technologies to enable warfighters to be more self-sufficient.

(f) CROSS FUNCTIONAL TEAMS.—In carrying out subsection (a), the Secretary shall establish cross functional teams to determine regions where deployment of water harvesting technologies could reduce conflict and potentially eliminate the need for the presence of the Armed Forces.

SEC. 219. DEVELOPMENT AND TESTING OF HYPERSONIC CAPABILITIES.

(a) SENSE OF CONGRESS ON HYPERSONIC CAPABILITIES.—It is the sense of Congress that development of hypersonic capabilities is a key element of the National Defense Strategy.

(b) IMPROVING GROUND-BASED TEST FACILITIES.—The Secretary of Defense shall take such actions as may be necessary to improve ground-based test facilities for the development of hypersonic capabilities, such as improving wind tunnels.

(c) INCREASING FLIGHT TEST RATE.—The Secretary shall increase the flight test rate to expedite the maturation and fielding of hypersonic technologies.

(d) STRATEGY AND PLAN.—

(1) IN GENERAL.—Not later than December 30, 2020, the Under Secretary of Defense for Research and Engineering, in consultation with the Chief of Staff of the Air Force, shall submit to the congressional defense committees an executable strategy and plan to field air-launched and air-breathing hypersonic weapons capability before the date that is three years after the date of the enactment of this Act.

(2) TESTING AND INFRASTRUCTURE.—The strategy and plan submitted under paragraph (1) shall cover required investments in testing and infrastructure to address the need for both flight and ground testing.

SEC. 220. DISCLOSURE REQUIREMENTS FOR RECIPIENTS OF DEPARTMENT OF DEFENSE RESEARCH AND DEVELOPMENT GRANTS.

(a) DISCLOSURE REQUIREMENTS.—

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

''§ 2374b. Disclosure requirements for recipients of research and development grants

''An individual or entity (including a State or local government) that receives Department of Defense grant funds for research and development shall clearly state in any statement, press release, or other document describing the program, project, or activity funded through such grant funds, other than a communication containing not more than 280 characters, the dollar amount of Department grant funds made available for the program, project, or activity.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 139 of such title is amended by adding at the end the following new item:

''2374b. Disclosure requirements for recipients of research and development grants.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2021, and shall apply with respect to grants for research and development that are awarded by the Department of Defense on or after that date.

Subtitle C—Plans, Reports, and Other Matters

SEC. 231. ASSESSMENT ON UNITED STATES NATIONAL SECURITY EMERGING BIOTECHNOLOGY EFFORTS AND CAPABILITIES AND COMPARISON WITH ADVERSARIES.

(a) ASSESSMENT AND COMPARISON REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense, acting through the Under Secretary of Defense for Research and Engineering and the Under Secretary of Defense for Intelligence, shall conduct an assessment and direct comparison of capabilities in emerging biotechnologies for national security purposes, including applications in material, manufacturing, and health, between the capabilities of the United States and the capabilities of adversaries of the United States.

(2) ELEMENTS.—The assessment and comparison carried out under paragraph (1) shall include the following:

(A) An evaluation of the quantity, quality, and progress of United States fundamental and applied research for emerging biotechnology initiatives for national security purposes.

(B) An assessment of the resourcing of United States efforts to harness emerging biotechnology capabilities for national security purposes, including the supporting facilities, test infrastructure, and workforce.

(C) An intelligence assessment of adversary emerging biotechnology capabilities and research as well as an assessment of adversary intent and willingness to use emerging biotechnologies for national security purposes.

(D) An assessment of the analytic and operational subject matter expertise necessary to assess rapidly-evolving foreign military developments in biotechnology, and the current state of the workforce in the intelligence community

(E) Recommendations to improve and accelerate United States capabilities in emerging biotechnologies and the associated intelligence community expertise.

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

(b) REPORT.—

(1) IN GENERAL.—Not later than February 1, 2021, the Secretary shall submit to the congressional defense committees a report on the assessment carried out under subsection (a).

(2) FORM.—The report submitted under paragraph (1) shall be submitted in the following formats—

(A) unclassified form, which may include a classified annex; and

(B) publically releasable form, representing appropriate information from the report under subparagraph (A).

(c) DEFINITION OF INTELLIGENCE COMMUNITY.—In this subsection, the term ''intelligence community'' has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

SEC. 232. INDEPENDENT COMPARATIVE ANALYSIS OF EFFORTS BY CHINA AND THE UNITED STATES TO RECRUIT AND RETAIN RESEARCHERS IN NATIONAL SECURITY-RELATED FIELDS.

(a) AGREEMENT.—

(1) IN GENERAL.—The Secretary of Defense shall seek to enter into an agreement with the National Academies of Sciences, Engineering, and Medicine for the National Academies of Sciences, Engineering, and Medicine to perform the services covered by this section.

(2) TIMING.—The Secretary shall seek to enter into the agreement described in paragraph (1) not later than 60 days after the date of the enactment of this Act.

(b) REVIEW.—

(1) IN GENERAL.—Under an agreement between the Secretary and the National Academies of Sciences, Engineering, and Medicine under this section, the National Academies of Sciences, Engineering, and Medicine shall carry out a comparative analysis of efforts by China and the United States Government to recruit and retain domestic and foreign researchers and develop recommendations for the Department of Defense.

(2) ELEMENTS.—The comparative analysis carried out under paragraph (1) and the recommendations developed under such paragraph shall include the following:

(A) A list of the ''talent programs'' used by China and a list of the incentive programs used by the United States to recruit and retain relevant researchers.

(B) The types of researchers, scientists, other technical experts, and fields targeted

by each talent program listed under subparagraph (A).

(C) The number of researchers in academia, the Department of Defense Science and Technology Reinvention Laboratories, and national security science and engineering programs of the National Nuclear Security Administration targeted by the talent programs listed under subparagraph (A).

(D) The number of personnel currently participating in the talent programs listed under subparagraph (A) and the number of researchers currently participating in the incentive programs listed under such subparagraph.

(E) The incentives offered by each of the talent programs listed under subparagraph (A) and a description of the incentives offered through incentive programs under such subparagraph to recruit and retain researchers, scientists, and other technical experts.

(F) A characterization of the national security, economic, and scientific benefits China gains through the talent programs listed under subparagraph (A) and a description of similar gains accrued to the United States through incentive programs listed under such subparagraph.

(G) A list of findings and recommendations relating to policies that can be implemented by the United States, especially the Department of Defense, to improve the relative effectiveness of United States activities to recruit and retain researchers, scientists, and other technical experts relative to China.

(c) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the execution of an agreement under subsection (a), the National Academies of Sciences, Engineering, and Medicine shall submit to the congressional defense committees a report on the findings National Academies of Sciences, Engineering, and Medicine with respect to the review carried out under this section and the recommendations developed under this section.

(2) FORM.—The report submitted under paragraph (1) shall be submitted in a publicly releasable and unclassified formats, but may include a classified annex.

SEC. 233. DEPARTMENT OF DEFENSE DEMONSTRATION OF VIRTUALIZED RADIO ACCESS NETWORK AND MASSIVE MULTIPLE INPUT MULTIPLE OUTPUT RADIO ARRAYS FOR FIFTH GENERATION WIRELESS NETWORKING.

(a) DEMONSTRATION REQUIRED.—The Secretary of Defense shall carry out a demonstration to demonstrate the maturity, performance, and cost of covered technologies in order to provide additional options for providers of fifth-generation (5G) wireless networking services.

(b) COVERED TECHNOLOGIES.—For purposes of this section, a covered technology is—

(1) a disaggregated or virtualized radio access network and core where components can be provided by different vendors and interoperate through open protocols and interfaces; and

(2) one or more massive multiple input and multiple output radio arrays provided by United States companies that have the potential to compete favorably with radios produced by foreign companies in terms of cost, performance, and efficiency.

(c) LOCATION.—The Secretary shall carry out the demonstration under subsection (a) at at least one site where the Secretary of Defense plans to deploy a fifth-generation wireless network.

(d) COORDINATION.—The Secretary shall carry out the demonstration under subsection (a) in coordination with at least one major United States wireless network service provider.

SEC. 234. INDEPENDENT TECHNICAL REVIEW OF FEDERAL COMMUNICATIONS COMMISSION ORDER 20–48.

(a) AGREEMENT.—

(1) IN GENERAL.—The Secretary of Defense shall seek to enter into an agreement with the National Academies of Sciences, Engineering, and Medicine for the National Academies of Sciences, Engineering, and Medicine to perform the services covered by this section.

(2) TIMING.—The Secretary shall seek to enter into the agreement described in paragraph (1) not later than 30 days after the date of the enactment of this Act.

(b) INDEPENDENT TECHNICAL REVIEW.—

(1) IN GENERAL.—Under an agreement between the Secretary and the National Academies of Sciences, Engineering, and Medicine under subsection (a), the National Academies of Sciences, Engineering, and Medicine shall carry out an independent technical review of the Order and Authorization adopted by the Federal Communications Commission on April 19, 2020 (FCC 20–48), to the extent that such order and authorization affects the devices, operations, or activities of the Department of Defense.

(2) ELEMENTS.—The independent technical review carried out under paragraph (1) shall include the following:

(A) Comparison of the two different approaches on which the Commission relied for the order and authorized described in paragraph (1) to evaluate the potential harmful interference concerns relating to Global Positioning System devices, with a recommendation on which method most effectively mitigates risks of harmful interference with Global Positioning System devices of the Department, or relating to or with the potential to affect the operations and activities of the Department.

(B) Assessment of the potential for harmful interference to mobile satellite services, including commercial services and Global Positioning System services of the Department, or relating to or with the potential to affect the operations and activities of the Department.

(C) Review of the feasibility, practicality, and effectiveness of the proposed mitigation measures relating to, or with the potential to affect, the devices, operations, or activities of the Department.

(D) Development of recommendations associated with the findings of the National Academies of Sciences, Engineering, and Medicine in carrying out the independent technical review.

(E) Such other matters as the National Academies of Sciences, Engineering, and Medicine determines relevant.

(c) REPORT.—

(1) IN GENERAL.—Under an agreement between the Secretary and the National Academies of Sciences, Engineering, and Medicine under subsection (a), the National Academies of Sciences, Engineering, and Medicine shall, not later than nine months after the date of the execution of such agreement, the National Academies of Sciences, Engineering, and Medicine 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 findings of the National Academies of Sciences, Engineering, and Medicine with respect to the independent technical review carried out under subsection (b) and the recommendations developed pursuant to such review.

(2) FORM.—The report submitted under paragraph (1) shall be submitted in a publicly releasable and unclassified formats, but may include a classified annex.

SEC. 235. REPORT ON AND LIMITATION ON EXPENDITURE OF FUNDS FOR MICRO NUCLEAR REACTOR PROGRAMS.

(a) REPORT REQUIRED.—The Secretary of Defense shall submit to the appropriate congressional committees a report on the micro nuclear reactor programs of the Department of Defense.

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

(1) Potential operational uses on United States and non-United States territory, including both mobile and fixed systems.

(2) Cost and schedule estimates for each new or ongoing program to reach initial operational capability, including the timeline for transition of any program currently funded using defense-wide funds to one or more military services and the identified transition partner in such military services.

(3) In consultation with the Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense programs, an assessment of physical security requirements for use of such reactors on domestic military installations and non-United States nondomestic installations or locations, including fully permissive, semi-permissive, and remote environments, including a preliminary design basis threat analysis.

(4) In coordination with the Secretary of State—

(A) an assessment of any agreements or changes to agreements that would be required for use of such reactors on non-United States territory;

(B) an assessment of applicability of foreign regulations or International Atomic Energy Agency safeguards for use on non-United States territory; and

(C) other policy implications of deployment of such systems on non-United States territory.

(5) In coordination with the Chairman of the Nuclear Regulatory Commission, a summary of licensing requirements for operation of such systems on United States territory.

(6) A summary of requirements pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for development and operation on United States territory.

(7) In consultation with the General Counsel of the Department of Defense, an assessment of any issues relating to indemnification for operation on United States or non-United States territory and any other relevant legal matters.

(8) In coordination with the Secretary of State and the Secretary of Energy, a determination of whether development, production, and deployment of such systems would require unobligated enriched uranium fuel.

(9) If the determination in paragraph (8) is that unobligated fuel would be required, in coordination with the Administrator for Nuclear Security, an assessment of the availability of such unobligated enriched uranium fuel, by year, for the estimated life of the program, considered with other United States Government demands for such fuel, including tritium production, naval nuclear propulsion, and medical isotope production.

(10) Any other considerations the Secretary determines relevant.

(c) CONSULTATION.—In addition to consultation and coordination required under subsection (b), the Secretary shall, in producing the report required by subsection (a), consult with the Secretary of the Army, the Chairman of the Joint Chiefs of Staff, the Under Secretary of Defense for Policy, the Director of Naval Nuclear Propulsion, and such other officials as the Secretary considers necessary.

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

(e) LIMITATION ON USE OF FUNDS.—Not more than 20 percent of the amounts authorized to be appropriated by this Act for fiscal year 2021 for Department of Defense micro nuclear reactor programs shall be obligated or expended until the Secretary submits the report required by subsection (a) to the appropriate congressional committees.

(f) RULE OF CONSTRUCTION.—Nothing in this provision shall be construed to limit or otherwise apply to the Naval Nuclear Propulsion program as established by Executive Order No. 12344, dated February 1, 1982 (42 U.S.C. 7158 note).

(g) DEFINITIONS.—In this section:

(1) The term ''appropriate congressional committees'' means—

(A) the Committee on Armed Services, the Committee on Appropriations, the Committee on Energy and Natural Resources, the Committee on Environment and Public Works, and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, the Committee on Energy and Commerce, the Committee on Natural Resources, and the Committee on Foreign Affairs of the House of Representatives.

(2) The term ''micro nuclear reactor''means a nuclear reactor with a production capacity of less than 20 megawatts.

SEC. 236. MODIFICATION TO TEST RESOURCE MANAGEMENT CENTER STRATEGIC PLAN REPORTING CYCLE AND CONTENTS.

(a) QUADRENNIAL STRATEGIC PLAN.—Section 196 of title 10, United States Code, is amended—

(1) in subsections (c)(1)(C) and (e)(2)(B), by inserting ''quadrennial'' before ''strategic plan''; and

(2) in subsection (d)—

(A) in the heading, by inserting ''QUADRENNIAL'' before ''STRATEGIC PLAN''; and

(B) by inserting ''quadrennial'' before ''strategic plan'' each place it occurs.

(b) TIMING AND COVERAGE OF PLAN.—Subsection (d)(1) of such section, as amended by subsection (a)(2), is further amended—

(1) in the first sentence, by striking ''two fiscal years'' and inserting ''four fiscal years, and within one year after release of the National Defense Strategy,'' ; and

(2) in the second sentence, by striking ''thirty fiscal years'' and inserting ''15 fiscal years''.

(c) AMENDMENT TO CONTENTS OF PLAN.—Subsection (d)(2) of such section, as amended by subsection (a)(2), is further amended—

(1) by striking subparagraph (B);

(2) by redesignating subparagraphs (C) through (G) as subparagraphs (B) through (F), respectively; and

(3) in subparagraph (B), as redesignated by paragraph (2), by striking ''based on current'' and all that follows through the end and inserting ''for test and evaluation of the Department of Defense major weapon systems based on current and emerging threats.''.

(d) ANNUAL UPDATE TO PLAN.—Subsection (d) of such section is amended by adding at the end the following new paragraph:

''(5)(A) In addition to the quadrennial strategic plan completed under paragraph (1), the Director of the Department of Defense Test Resource Management Center shall also complete an annual update to the quadrennial strategic plan.

''(B) Each annual update completed under subparagraph (A) shall include the following:

''(i) A summary of changes to the assessment provided in the most recent quadrennial strategic plan.

''(ii) Comments and recommendations the Director considers appropriate.

''(iii) Test and evaluation challenges raised since the completion of the most recent quadrennial strategic plan.

''(iv) Actions taken or planned to address such challenges.''.

(e) TECHNICAL CORRECTION.—Subsection (d)(1) of such, as amended by subsections (a)(2) and (b), is further amended by striking ''Test Resources Management Center'' and inserting ''Test Resource Management Center''.

SEC. 237. LIMITATION ON CONTRACT AWARDS FOR CERTAIN UNMANNED VESSELS.

(a) LIMITATION.—None of the funds authorized to be appropriated for fiscal year 2021 by section 201 for research, development, test, and evaluation may be used for the award of a contract for a covered vessel until the date that is 30 days after the date on which the Under Secretary of Defense for Research and Engineering submits to the congressional defense committees a report and certification described in subsection (c) for such contract and covered vessel.

(b) COVERED VESSELS.—For purposes of this section, a covered vessel is one of the following:

(1) A large unmanned surface vessel (LUSV).

(2) A medium unmanned surface vehicle (MUSV).

(3) A large displacement unmanned undersea vehicle (LDUUV).

(4) An extra-large unmanned undersea vehicle (XLUUV).

(c) REPORT AND CERTIFICATION DESCRIBED.—A report and certification described in this subsection regarding a contract for a covered vessel is—

(1) a report—

(A) submitted to the congressional defense committees not later than 60 days after the date of the completion of an independent technical risk assessment for such covered vessel; and

(B) on the findings of the Under Secretary with respect to such assessment; and

(2) a certification, submitted to the congressional defense committees with the report described in paragraph (1), that certifies that—

(A) the Under Secretary has determined, in conjunction with the Senior Technical Authority designated under section 8669b(a)(1) of title 10, United States Code, for the class of naval vessels that includes the covered vessel, that the critical mission, hull, mechanical, and electrical subsystems of the covered vessel—

(i) have been demonstrated in vessel-representative form, fit, and function; and

(ii) have achieved performance levels equal to or greater than applicable Department of Defense threshold requirements for such class of vessels; and

(B) such contract is necessary to meet Department research, development, test, and evaluation objectives for such covered vessel that cannot otherwise be met through further land-based subsystem prototyping or other demonstration approaches.

(d) CRITICAL MISSION, HULL, MECHANICAL, AND ELECTRICAL SUBSYSTEMS DEFINED.—In this section, the term ''critical mission, hull, mechanical, and electrical subsystems'', with respect to a covered vessel, includes the following subsystems:

(1) Command, control, communications, computers, intelligence, surveillance, and reconnaissance.

(2) Autonomous vessel navigation, vessel control, contact management, and contact avoidance.

(3) Communications security, including cryptopgraphy, encryption, and decryption.

(4) Main engines, including the lube oil, fuel oil, and other supporting systems.

(5) Electrical generation and distribution, including supporting systems.

(6) Military payloads.

(7) Any other subsystem identified as critical by the Senior Technical Authority designated under section 8669b(a)(1) of title 10, United States Code, for the class of naval vessels that includes the covered vessel.

SEC. 238. DOCUMENTATION RELATING TO THE ADVANCED BATTLE MANAGEMENT SYSTEM.

(a) DOCUMENTATION REQUIRED.—Immediately upon the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees the following documentation relating to the Advanced Battle Management System:

(1) A list that identifies each program, project, and activity that contributes to the architecture of the Advanced Battle Management System.

(2) The final analysis of alternatives for the Advanced Battle Management System.

(3) The requirements for the networked data architecture necessary for the Advanced Battle Management System to provide multidomain command and control and battle management capabilities and a development schedule for such architecture.

(b) LIMITATION.—Of the funds authorized to be appropriated by this Act for fiscal year 2021 for operations and maintenance for the Office of the Secretary of the Air Force, not more than 25 percent may be obligated until the date that is 30 days after the date on which the Secretary of the Air Force submits to the congressional defense committees the documentation required by subsection (a) and the Vice Chairman of the Vice Chairman of the Joint Chiefs certifies the documentation.

(c) ADVANCED BATTLE MANAGEMENT SYSTEM.—In this section, the term ''Advanced Battle Management System'' means the Advanced Battle Management System of Systems capability of the Air Force, including each program, project, and activity that contributes to such capability.

SEC. 239. ARMED SERVICES VOCATIONAL APTITUDE BATTERY TEST SPECIAL PURPOSE ADJUNCT TO ADDRESS COMPUTATIONAL THINKING.

Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall establish a special purpose test adjunct to the Armed Services Vocational Aptitude Battery test to address computational thinking skills relevant to military applications, including problem decomposition, abstraction, pattern recognition, analytical ability, the identification of variables involved in data representation, and the ability to create algorithms and solution expressions.

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 2021 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, as specified in the funding table in section 4301.

Subtitle B—Energy and Environment

SEC. 311. MODIFICATIONS AND TECHNICAL CORRECTIONS TO ENSURE RESTORATION OF CONTAMINATION BY PERFLUOROOCTANE SULFONATE AND PERFLUOROOCTANOIC ACID.

(a) DEFINITION FOR PFOA AND PFOS.—Section 2700 of title 10, United States Code, is amended by adding at the end the following new paragraphs:

''(4) The term 'perfluorooctane sulfonate' means perfluorooctane sulfonic acid or sulfonate (commonly referred to as 'PFOS') (Chemical Abstracts Service No. 1763-23-1)

and the salts associated with perfluorooctane sulfonic acid or sulfonate (Chemical Abstracts Service Nos. 2795–39–3, 29457–72–5, 56773–42–3, 29081–56–9, and 70225–14–8).

''(5) The term 'perfluorooctanoic acid' means perfluorooctanoic acid (commonly referred to as 'PFOA') (Chemical Abstracts Service No. 335-67-1) and the salts associated with perfluorooctanoic acid (Chemical Abstracts Service Nos. 3825-26-1, 335-95-5, and 68141-02-6).''.

(b) MODIFICATION OF ENVIRONMENTAL RESTORATION ACCOUNTS.—Section 2703 of such title is amended—

(1) in subsection (e)(2), by striking ''environmental'';

(2) in subsection (f), by striking ''to the Environmental Restoration Account, Defense, or to any environmental restoration account of a military department,'' and inserting ''or transferred to an account established under subsection (a)'';

(3) by striking subsection (g) and inserting the following:

''(g) SOLE SOURCE OF FUNDS FOR RESPONSES UNDER THIS CHAPTER.—Except as provided in subsection (h), the sole source of funds for all phases of a response under this chapter shall be the applicable environmental restoration account established under subsection (a).''; and

(4) in subsection (h)—

(A) in the subsection heading, by striking ''ENVIRONMENTAL REMEDIATION'' and inserting ''RESPONSES''; and

(B) by striking ''services procured under section 2701(d)(1) of this title'' and inserting ''a response''.

(c) MODIFICATION OF AUTHORITY FOR ENVIRONMENTAL RESTORATION PROJECTS OF NATIONAL GUARD.—

(1) IN GENERAL.—Section 2707(e) of such title is amended—

(A) by striking ''Notwithstanding'' and inserting ''(1) Notwithstanding'';

(B) by inserting ''where military activities are conducted by the National Guard of a State under title 32'' after ''facility''; and

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

''(2) The Secretary concerned may use the authority under section 2701(d) of this title to carry out environmental restoration projects under paragraph (1).''.

(2) CORRECTION OF DEFINITION OF FACILITY.—Paragraph (2) of section 2700 of such title is amended—

(A) in subparagraph (A), by striking ''(A) The terms'' and inserting ''The terms''; and

(B) by striking subparagraph (B).

(d) EXTENSION OF CONTRACT AUTHORITY.—Section 2708(b) of such title is amended—

(1) in paragraph (1), by striking ''fiscal years 1992 through 1996'' and inserting ''a period specified in paragraph (3)''; and

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

''(3) A period specified in this paragraph is—

''(A) the period of fiscal years 1992 through 1996; or

''(B) on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2021.''.

(e) TECHNICAL CONSISTENCY FOR MUNITIONS RESPONSE.—

(1) PROGRAM GOALS.—Section 2701(b)(2) of such title is amended by striking ''of unexploded ordnance'' and inserting ''of unexploded ordnance, discarded military munitions, and munitions constituents in a manner consistent with section 2710 of this title''.

(2) ENVIRONMENTAL RESTORATION ACCOUNTS.—Section 2703(b) of such title is amended by striking the second sentence and inserting the following new sentence: ''Such remediation shall be conducted in a manner consistent with section 2710 of this title.''.

(3) TRANSFER OF DEFINITIONS.—

(A) TRANSFER.—Paragraphs (2) and (3) of section 2710(e) of such title are—

(i) transferred to section 2700 of such title;

(ii) added at the end of such section; and

(iii) redesignated as paragraphs (6) and (7), respectively.

(B) REDESIGNATION OF DEFINITIONS.—Section 2710(e) of such title is amended by redesignating paragraphs (4) through (7) as paragraphs (2) through (5), respectively.

(4) CONFORMING AMENDMENTS.—Section 313(d) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 10 U.S.C. 2710 note) is amended—

(A) in paragraph (2)—

(i) by striking '' 'discarded military munitions', 'munitions constituents', and 'defense sites' '' and inserting '' 'discarded military munitions' and 'munitions constituents' ''; and

(ii) by striking ''section 2710(e)'' and inserting ''section 2700''; and

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

''(3) The term 'defense site' has the meaning given such term in section 2710(e) of such title.''.

(f) TECHNICAL CORRECTION REGARDING COOPERATIVE AGREEMENTS.—Section 332(a)(2) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended, in the matter preceding subparagraph (A), by striking ''shall meet or exceed the most stringent of the following'' and inserting ''relating to a response shall reflect application to the response of the most protective of the following''.

SEC. 312. READINESS AND ENVIRONMENTAL PROTECTION INTEGRATION PROGRAM TECHNICAL EDITS AND CLARIFICATION.

(a) USE OF FUNDS.—Section 2684a(i) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3) Funds obligated to carry out an agreement under this section shall be available for use with regard to any property in the geographic scope specified in the agreement—

''(A) at the time the funds are obligated; and

''(B) in any subsequent modification to the agreement.''.

(b) CLARIFICATION OF REFERENCES TO ELIGIBLE ENTITIES.—

(1) DEFINITION.—Subsection (b) of section 2684a of title 10, United States Code, is amended, in the matter preceding paragraph (1), by striking ''An agreement under this section may be entered into with'' and inserting ''For purposes of this section, an eligible entity is''.

(2) ACQUISITION OF PROPERTY AND INTERESTS.—Subsection (d)(1) of such section is amended by striking ''the entity or entities'' each place it appears and inserting ''an eligible entity or entities''.

(3) RETROACTIVE APPLICATION.—The amendments made by paragraphs (1) and (2) shall apply to any agreement entered into under section 2684a of title 10, United States Code, on or after December 2, 2002.

SEC. 313. SURVEY AND MARKET RESEARCH OF TECHNOLOGIES FOR PHASE OUT BY DEPARTMENT OF DEFENSE OF USE OF FLUORINATED AQUEOUS FILM-FORMING FOAM.

(a) SURVEY OF TECHNOLOGIES AND MARKET RESEARCH.—

(1) IN GENERAL.—The Secretary of Defense shall conduct a survey and market research of relevant technologies, other than firefighting agent solutions, to determine whether any such technologies are available and can be adapted quickly for use by the Department of Defense to execute the phase-out by the Department of the use of fluorinated aqueous film-forming foam.

(2) TECHNOLOGIES INCLUDED.—The technologies surveyed or researched under paragraph (1) shall include the following:

(A) Hangar flooring systems.

(B) Liquid drainage flood assemblies.

(C) Fire-fighting agent delivery systems.

(D) Containment systems.

(E) Such other relevant technologies as the Secretary determines appropriate.

(b) BRIEFING.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall brief the congressional defense committees on the results of the survey and market research conducted under subsection (a).

(2) ELEMENTS OF BRIEFING.—The briefing required under paragraph (1) shall include the following:

(A) A description of the technologies surveyed and researched under subsection (a).

(B) An identification of any such technologies that were considered for further testing or analysis.

(C) An identification of any other technologies useful for the phase-out by the Department of the use of fluorinated aqueous film-forming foam that are undergoing additional analysis for possible application within the Department.

SEC. 314. MODIFICATION OF AUTHORITY TO CARRY OUT MILITARY INSTALLATION RESILIENCE PROJECTS.

(a) MODIFICATION OF AUTHORITY.—Section 2815 of title 10, United States Code is amended—

(1) in subsection (a), by inserting ''(except as provided in subsections (d)(3) and (e))'' before the period at the end;

(2) in subsection (c), by striking ''A project'' and inserting ''Except as provided in subsection (e)(2), a project'';

(3) by redesignating subsection (d) as subsection (f); and

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

''(d) LOCATION OF PROJECTS.—Projects carried out pursuant to this section may be carried out—

''(1) on a military installation;

''(2) on a facility used by the Department of Defense that is owned and operated by a State, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands, even if the facility is not under the jurisdiction of the Department of Defense, if the Secretary of Defense determines that the facility is subject to significant use by the armed forces for testing or training; or

''(3) outside of a military installation or facility described in paragraph (2) if the Secretary concerned determines that the project would preserve or enhance the resilience of—

''(A) a military installation;

''(B) a facility described in paragraph (2); or

''(C) community infrastructure determined by the Secretary concerned to be necessary to maintain, improve, or rapidly reestablish installation mission assurance and mission-essential functions.

''(e) ALTERNATIVE FUNDING SOURCE.—(1) In carrying out a project under this section, the Secretary concerned may use amounts available for operation and maintenance for the military department concerned if the Secretary concerned submits a notification to the congressional defense committees of the decision to carry out the project using such amounts and includes in the notification—

''(A) the current estimate of the cost of the project;

''(B) the source of funds for the project; and

''(C) a certification that deferral of the project for inclusion in the next Military Construction Authorization Act would be inconsistent with national security or the protection of health, safety, or environmental quality, as the case may be.

''(2) A project carried out under this section using amounts under paragraph (1) may be carried out only after the end of the 7-day period beginning on the date on which a copy of the notification described in paragraph (1) is provided in an electronic medium pursuant to section 480 of this title.

''(3) The maximum aggregate amount that the Secretary concerned may obligate from amounts available to the military department concerned for operation and maintenance in any fiscal year for projects under the authority of this subsection is $100,000,000.''.

(b) CONSIDERATION OF MILITARY INSTALLATION RESILIENCE IN AGREEMENTS AND INTERAGENCY COOPERATION.—Section 2684a of such title is amended—

(1) in subsection (a)—

(A) in paragraph (2)(B)—

(i) by striking clause (ii); and

(ii) in clause (i)—

(I) by striking ''(i)''; and

(II) by striking ''; or'' and inserting a semicolon;

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

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

''(3) maintaining or improving military installation resilience; or''; and

(2) by amending subsection (h) to read as follows:

''(h) INTERAGENCY COOPERATION IN CONSERVATION AND RESILIENCE PROGRAMS TO AVOID OR REDUCE ADVERSE IMPACTS ON MILITARY INSTALLATION RESILIENCE AND MILITARY READINESS ACTIVITIES.—In order to facilitate interagency cooperation and enhance the effectiveness of actions that will protect the environment, military installation resilience, and military readiness, the recipient of funds provided pursuant to an agreement under this section or under the Sikes Act (16 U.S.C. 670 et seq.) may, with regard to the lands and waters within the scope of the agreement, use such funds to satisfy any matching funds or cost-sharing requirement of any conservation or resilience program of any Federal agency notwithstanding any limitation of such program on the source of matching or cost-sharing funds.''.

SEC. 315. 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' means any Indian Tribe, band, nation, or other organized group or community, including any Native village, Regional Corporation, or Village Corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

''(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. 316. ENERGY RESILIENCE AND ENERGY SECURITY MEASURES ON MILITARY INSTALLATIONS.

(a) IN GENERAL.—Subchapter I of chapter 173 of title 10, United States Code, is amended by inserting after section 2919 the following new section:

''§ 2920. Energy resilience and energy security measures on military installations

''(a) ENERGY RESILIENCE MEASURES.—(1) The Secretary of Defense shall, by the end of fiscal year 2030, provide that 100 percent of the energy load required to maintain the critical missions of each installation have a minimum level of availability of 99.9 percent per fiscal year.

''(2) The Secretary of Defense shall issue standards establishing levels of availability relative to specific critical missions, with such standards providing a range of not less than 99.9 percent availability per fiscal year and not more than 99.9999 percent availability per fiscal year, depending on the criticality of the mission.

''(3) The Secretary may establish interim goals to take effect prior to fiscal year 2025 to ensure the requirements under this subsection are met.

''(4) The Secretary of each military department and the head of each Defense Agency shall ensure that their organizations meet the requirements of this subsection.

''(b) PLANNING.—(1) The Secretary of Defense shall require the Secretary of each military department and the head of each Defense Agency to plan for the provision of energy resilience and energy security for installations.

''(2) Planning under paragraph (1) shall—

''(A) promote the use of multiple and diverse sources of energy, with an emphasis favoring energy resources originating on the installation such as modular generation;

''(B) promote installing microgrids to ensure the energy security and energy resilience of critical missions; and

''(C) favor the use of full-time, installed energy sources rather than emergency generation.

''(c) DEVELOPMENT OF INFORMATION.—The planning required by subsection (b) shall identify each of the following for each installation:

''(1) The critical missions of the installation.

''(2) The energy requirements of those critical missions.

''(3) The duration that those energy requirements are likely to be needed in the event of a disruption or emergency.

''(4) The current source of energy provided to those critical missions.

''(5) The duration that the currently provided energy would likely be available in the event of a disruption or emergency.

''(6) Any currently available sources of energy that would provide uninterrupted energy to critical missions in the event of a disruption or emergency.

''(7) Alternative sources of energy that could be developed to provide uninterrupted energy to critical missions in the event of a disruption or emergency.

''(d) TESTING AND MEASURING.—(1)(A) The Secretary of Defense shall require the Secretary of each military department and head of each Defense Agency to conduct monitoring, measuring, and testing to provide the data necessary to comply with this section.

''(B) Any data provided under subparagraph (A) shall be made available to the Assistant Secretary of Defense for Sustainment upon request.

''(2)(A) The Secretary of Defense shall require that black start exercises be conducted to assess the energy resilience and energy security of installations for periods established to evaluate the ability of the installation to perform critical missions without access to off-installation energy resources.

''(B) A black start exercise conducted under subparagraph (A) may exclude, if technically feasible, housing areas, commissaries, exchanges, and morale, welfare, and recreation facilities.

''(C) The Secretary of Defense shall—

''(i) provide uniform policy for the military departments and the Defense Agencies with respect to conducting black start exercises; and

''(ii) establish a schedule of black start exercises for the military departments and the

Defense Agencies, with each military department and Defense Agency scheduled to conduct such an exercise on a number of installations each year sufficient to allow that military department or Defense Agency to meet the goals of this section, but in any event not fewer than five installations each year for each military department through fiscal year 2027.

''(D)(i) Except as provided in clause (ii), the Secretary of each military department shall, notwithstanding any other provision of law, conduct black start exercises in accordance with the schedule provided for in subparagraph (C)(ii), with any such exercise not to last longer than five days.

''(ii) The Secretary of a military department may conduct more black start exercises than those identified in the schedule provided for in subparagraph (C)(ii).

''(e) CONTRACT REQUIREMENTS.—For contracts for energy and utility services, the Secretary of Defense shall—

''(1) specify methods and processes to measure, manage, and verify compliance with subsection (a); and

''(2) ensure that such contracts include requirements appropriate to ensure energy resilience and energy security, including requirements for metering to measure, manage, and verify energy consumption, availability, and reliability consistent with this section and the energy resilience metrics and standards under section 2911(b) of this title.

''(f) EXCEPTION.—This section does not apply to fuels used in aircraft, vessels, or motor vehicles.

''(g) REPORT.—If by the end of fiscal year 2029, the Secretary determines that the Department will be unable to meet the requirements under subsection (a), not later than 90 days after the end of such fiscal year, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report detailing—

''(1) the projected shortfall;

''(2) reasons for the projected shortfall;

''(3) any statutory, technological, or monetary impediments to achieving such requirements;

''(4) any impact to readiness or ability to meet the national defense posture; and

''(5) any other relevant information as the Secretary considers appropriate.

''(h) DEFINITIONS.—In this section:

''(1) The term 'availability' means the availability of required energy at a stated instant of time or over a stated period of time for a specific purpose.

''(2) The term 'black start exercise' means an exercise in which delivery of energy provided from off an installation is terminated before backup generation assets on the installation are turned on. Such an exercise shall—

''(A) determine the ability of the backup systems to start independently, transfer the load, and carry the load until energy from off the installation is restored;

''(B) align organizations with critical missions to coordinate in meeting critical mission requirements;

''(C) validate mission operation plans, such as continuity of operations plans;

''(D) identify infrastructure interdependencies; and

''(E) verify backup electric power system performance.

''(3) The term 'critical mission'—

''(A) means those aspects of the missions of an installation, including mission essential operations, that are critical to successful performance of the strategic national defense mission;

''(B) may include operational headquarters facilities, airfields and supporting infrastructure, harbor facilities supporting naval vessels, munitions production and storage facilities, missile fields, radars, satellite control facilities, cyber operations facilities, space launch facilities, operational communications facilities, and biological defense facilities; and

''(C) does not include military housing (including privatized military housing), morale, welfare, and recreation facilities, exchanges, commissaries, or privately owned facilities.

''(4) The term 'energy' means electricity, natural gas, steam, chilled water, and heated water.

''(5) The term 'installation' has the meaning given the term 'military installation' in section 2801(c)(4) of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 173 of such title is amended by inserting after the item relating to section 2919 the following new item:

''2920. Energy resilience and energy security measures on military installations.''.

SEC. 317. MODIFICATION TO AVAILABILITY OF ENERGY COST SAVINGS FOR DEPARTMENT OF DEFENSE.

Section 2912(a) of title 10, United States Code, is amended by inserting ''and, in the case of operational energy, from both training and operational missions,'' after ''under section 2913 of this title,''.

SEC. 318. LONG-DURATION DEMONSTRATION INITIATIVE AND JOINT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term ''Director'' means the Director of the Environmental Security Technology Certification Program of the Department of Defense.

(2) DIRECTOR OF ARPA–E.—The term ''Director of ARPA–E'' means the Director of the Advanced Research Projects Agency—Energy.

(3) INITIATIVE.—The term ''Initiative'' means the demonstration initiative established under subsection (b).

(4) JOINT PROGRAM.—The term ''Joint Program'' means the joint program established under subsection (d).

(b) ESTABLISHMENT OF INITIATIVE.—Not later than 180 days after the date of enactment of this Act, the Director shall establish a demonstration initiative composed of demonstration projects focused on the development of long-duration energy storage technologies.

(c) SELECTION OF PROJECTS.—To the maximum extent practicable, in selecting demonstration projects to participate in the Initiative, the Director shall—

(1) ensure a range of technology types;

(2) ensure regional diversity among projects; and

(3) consider bulk power level, distribution power level, behind-the-meter, microgrid (grid-connected or islanded mode), and off-grid applications.

(d) JOINT PROGRAM.—

(1) ESTABLISHMENT.—As part of the Initiative, the Director, in consultation with the Director of ARPA–E, shall establish within the Department of Defense a joint program to carry out projects—

(A) to demonstrate promising long-duration energy storage technologies at different scales to promote energy resiliency; and

(B) to help new, innovative long-duration energy storage technologies become commercially viable.

(2) MEMORANDUM OF UNDERSTANDING.—Not later than 200 days after the date of enactment of this Act, the Director shall enter into a memorandum of understanding with the Director of ARPA–E to administer the Joint Program.

(3) INFRASTRUCTURE.—In carrying out the Joint Program, the Director and the Director of ARPA–E shall—

(A) use existing test-bed infrastructure at—

(i) installations of the Department of Defense; and

(ii) facilities of the Department of Energy; and

(B) develop new infrastructure for identified projects, if appropriate.

(4) GOALS AND METRICS.—The Director and the Director of ARPA–E shall develop goals and metrics for technological progress under the Joint Program consistent with energy resilience and energy security policies.

(5) SELECTION OF PROJECTS.—

(A) IN GENERAL.—To the maximum extent practicable, in selecting projects to participate in the Joint Program, the Director and the Director of ARPA–E shall—

(i) ensure that projects are carried out under conditions that represent a variety of environments with different physical conditions and market constraints; and

(ii) ensure an appropriate balance of—

(I) larger, higher-cost projects; and

(II) smaller, lower-cost projects.

(B) PRIORITY.—In carrying out the Joint Program, the Director and the Director of ARPA–E shall give priority to demonstration projects that—

(i) make available to the public project information that will accelerate deployment of long-duration energy storage technologies that promote energy resiliency; and

(ii) will be carried out in the field.

SEC. 319. PILOT PROGRAM ON ALTERNATIVE FUEL VEHICLE PURCHASING.

(a) IN GENERAL.—The Secretary of Defense, in coordination with the Secretary of Energy and the Administrator of the General Services Administration, shall carry out a pilot program under which the Secretary of Defense may, notwithstanding section 400AA of the Energy Policy and Conservation Act (42 U.S.C. 6374), purchase new alternative fuel vehicles for which the initial cost of such vehicles exceeds the initial cost of a comparable gasoline or diesel fueled vehicle by not more than 10 percent.

(b) LOCATIONS.—

(1) IN GENERAL.—The Secretary of Defense shall carry out the pilot program under subsection (a) at not fewer than 2 facilities or installations of the Department of Defense in the continental United States that—

(A) have the largest total number of attached noncombat vehicles as compared to other facilities or installations of the Department of Defense; and

(B) are located within 20 miles of public or private refueling or recharging stations.

(2) AIR FORCE LOGISTICS CENTER.—One of the facilities or installations selected under paragraph (1) shall be an Air Force Logistics Center.

(c) ALTERNATIVE FUEL VEHICLE DEFINED.—In this section, the term ''alternative fuel vehicle'' includes a vehicle that uses—

(1) fuels derived from renewable biomass, as defined in section 211(o)(1)(I) of the Clean Air Act (42 U.S.C. 7545(o)(1)(I));

(2) natural gas (including compressed and liquefied natural gas); or

(3) propane.

Subtitle C—Logistics and Sustainment

SEC. 331. REPEAL OF STATUTORY REQUIREMENT FOR NOTIFICATION TO DIRECTOR OF DEFENSE LOGISTICS AGENCY THREE YEARS PRIOR TO IMPLEMENTING CHANGES TO ANY UNIFORM OR UNIFORM COMPONENT.

Section 356 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 771 note prec.) is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively; and

(3) in subsections (a) and (b), as so redesignated, by striking ''Commander'' each place it appears and inserting ''Director''.

SEC. 332. CLARIFICATION OF LIMITATION ON LENGTH OF OVERSEAS FORWARD DEPLOYMENT OF CURRENTLY DEPLOYED NAVAL VESSELS.

Section 323(b) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1720; 10 U.S.C. 8690 note) is amended by striking ''In the case of any naval vessel'' and inserting ''In the case of any aircraft carrier, amphibious ship, cruiser, destroyer, frigate, or littoral combat ship''.

Subtitle D—Reports

SEC. 351. REPORT ON IMPACT OF PERMAFROST THAW ON INFRASTRUCTURE, FACILITIES, AND OPERATIONS OF THE DEPARTMENT OF DEFENSE.

(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 comprehensive report on the impact of permafrost thaw on the infrastructure, facilities, assets, and operations of the Department of Defense.

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

(1) An identification of the infrastructure, facilities, and assets of the Department of Defense that could be impacted by permafrost thaw.

(2) For each element of infrastructure and each facility and asset identified pursuant to paragraph (1)—

(A) an assessment of the threat posed by permafrost thaw; and

(B) an estimate of potential damage in the event of likely permafrost thaw.

(3) A description of the threats and impacts posed by permafrost thaw to military and other national security operations.

(c) CONSULTATION.—In preparing the report under subsection (a), the Secretary may consult with other Federal agencies, agencies of State and local governments, and academic institutions with expertise or experience in the effects of permafrost thaw on infrastructure, facilities, and operations.

(d) ASSET DEFINED.—In this section, the term ''asset'' means the following:

(1) Any aircraft, weapon system, vehicle, equipment, or gear of the Department of Defense or the Armed Forces.

(2) Any other item of the Department or the Armed Forces that the Secretary considers appropriate for purposes of this section.

SEC. 352. PLANS AND REPORTS ON EMERGENCY RESPONSE TRAINING FOR MILITARY INSTALLATIONS.

(a) PLANS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall ensure that each military installation under the jurisdiction of the Secretary that does not conduct live emergency response training on an annual basis or more frequently with the civilian law enforcement and emergency response agencies responsible for responding to an emergency at the installation develops a plan to conduct such training.

(2) ELEMENTS.—Each plan developed under paragraph (1) with respect to an installation—

(A) shall include—

(i) the cost of implementing training described in paragraph (1) at the installation;

(ii) a description of any obstacles to the implementation of such training; and

(iii) recommendations for mitigating any such obstacles; and

(B) shall be designed to ensure that the civilian law enforcement and emergency response agencies described in paragraph (1) are familiar with—

(i) the physical features of the installation, including gates, buildings, armories, headquarters, command and control centers, and medical facilities; and

(ii) the emergency response personnel and procedures of the installation.

(3) SUBMITTAL OF PLANS.—

(A) SUBMITTAL TO SECRETARY.—Not later than 90 days after the date of the enactment of this Act, the commander of each military installation required to develop a plan under paragraph (1) shall submit such plan to the Secretary of Defense.

(B) SUBMITTAL TO CONGRESS.—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 summary of the plans submitted to the Secretary under subparagraph (A).

(b) REPORTS ON TRAINING CONDUCTED.—

(1) LIST OF INSTALLATIONS.—Not later than March 1, 2021, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a list of all military installations under the jurisdiction of the Secretary that conduct live emergency response training on an annual basis or more frequently with the civilian law enforcement and emergency response agencies responsible for responding to an emergency at the installation.

(2) ANNUAL REPORTS.—

(A) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the commander of each military installation under the jurisdiction of the Secretary shall submit to the Secretary a report on each live emergency response training conducted during the year covered by the report with the civilian law enforcement and emergency response agencies responsible for responding to an emergency at the installation.

(B) ELEMENTS.—Each report submitted under subparagraph (A) shall include, with respect to each training exercise, the following:

(i) The date and duration of the exercise.

(ii) A detailed description of the exercise.

(iii) An identification of all military and civilian personnel who participated in the exercise.

(iv) Any recommendations resulting from the exercise.

(v) The actions taken, if any, to implement such recommendations.

(C) INCLUSION IN ANNUAL BUDGET SUBMISSION.—

(i) IN GENERAL.—The Secretary shall include in the budget submitted to Congress by the President pursuant to section 1105(a) of title 31, United States Code, a summary of any report submitted to the Secretary under subparagraph (A) during the one-year period preceding the submittal of the budget.

(ii) CLASSIFIED FORM.—The summary submitted under clause (i) may be submitted in classified form.

(D) SUNSET.—The requirement to submit annual reports under subparagraph (A) shall terminate upon the submittal of the budget described in subparagraph (C)(i) for fiscal year 2024.

SEC. 353. REPORT ON IMPLEMENTATION BY DEPARTMENT OF DEFENSE OF REQUIREMENTS RELATING TO RENEWABLE FUEL PUMPS.

(a) IN GENERAL.—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 implementation by the Department of Defense of the requirements under section 246(a) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17053(a)).

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

(1) An estimate of the cost to the Department of fully implementing the requirements under section 246(a) of the Energy Independence and Security Act of 2007; and

(2) An assessment of any problems or issues the Department is having in complying with the requirements under such section.

(c) EXCEPTION.—The report required by subsection (a) shall not apply to a fueling center of the Department with a fuel turnover rate of less than 100,000 gallons of fuel per year.

SEC. 354. REPORT ON EFFECTS OF EXTREME WEATHER ON DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on vulnerabilities to military installations and combatant commander requirements resulting from extreme weather that builds upon the report submitted under section 335(c) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1358).

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

(1) An explanation of the underlying methodology that the Department uses to assess the effects of extreme weather in the report, including through the use of a climate vulnerability and risk assessment tool as directed under section 326 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92).

(2) An assessment of how extreme weather affects low-lying military installations, military installations of the Navy and the Marine Corps, and military installations outside the United States.

(3) An assessment of how extreme weather affects access of members of the Armed Forces to training ranges.

(4) With respect to a military installation in a country outside the United States, an assessment of the collaboration between the Department of Defense and the military or civilian agencies of the government of that country or nongovernmental organizations operating in that country to adapt to risks from extreme weather.

(5) An assessment of how extreme weather affects housing safety and food security on military installations.

(6) An assessment of the strategic benefits derived from isolating infrastructure of the Department of Defense in the United States from the national electric grid and the use of energy-efficient, distributed, and smart power grids by the Armed Forces in the United States and overseas to ensure affordable access to electricity.

(7) A list of ten military installation resilience projects conducted within each military department.

(8) An overview of mitigations, in addition to current efforts undertaken by the Department, that may be necessary to ensure the continued operational viability and to increase the resilience of military installations, and the estimated costs of those mitigations.

(c) CONSULTATION.—In developing the report required by subsection (a), the Secretary of Defense shall consult with the Administrator of the Environmental Protection Agency, the Secretary of Energy, the Administrator of the National Oceanic and Atmospheric Administration, the Administrator of the Federal Emergency Management Agency, the Commander of the Army Corps of Engineers, the Administrator of the National Aeronautics and Space Administration, a federally funded research and development center, and the heads of such other relevant Federal agencies as the Secretary of Defense determines appropriate.

(d) FORM OF REPORT.—The report required by subsection (a) shall be submitted in unclassified form but may contain a classified annex if necessary.

(e) PUBLICATION.—Upon submittal of the report required by subsection (a), the Secretary of Defense shall publish the unclassified portion of the report on an Internet website of the Department of Defense that is available to the public.

(f) DEFINITIONS.—In this section:

(1) EXTREME WEATHER.—The term ''extreme weather'' means recurrent flooding, drought, desertification, wildfires, and thawing permafrost.

(2) UNITED STATES.—The term ''United States'' means the several States, the District of Columbia, and any territory or possession of the United States.

Subtitle E—Other Matters

SEC. 371. PROHIBITION ON DIVESTITURE OF MANNED INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE AIRCRAFT OPERATED BY UNITED STATES SPECIAL OPERATIONS COMMAND.

No funds authorized to be appropriated by this Act may be used to divest any manned intelligence, surveillance, and reconnaissance aircraft operated by the United States Special Operations Command, and the Department of Defense may not divest any manned intelligence, surveillance, and reconnaissance aircraft operated by the United States Special Operations Command in fiscal year 2021.

SEC. 372. INFORMATION ON OVERSEAS CONSTRUCTION PROJECTS IN SUPPORT OF CONTINGENCY OPERATIONS USING FUNDS FOR OPERATION AND MAINTENANCE.

(a) ANNUAL BUDGET JUSTIFICATION DISPLAY.—Section 2805(c) of title 10, United States Code, is amended—

(1) by striking ''The Secretary concerned'' and inserting ''(1) The Secretary concerned''; and

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

''(2) The Secretary of each military department, the Director of each Defense Agency, and the head of any other relevant component of the Department of Defense shall track and report to the Under Secretary of Defense (Comptroller) relevant data regarding all overseas construction projects funded with amounts appropriated or otherwise made available for operation and maintenance in support of contingency operations.

''(3)(A) The Secretary of Defense shall prepare, for inclusion in the annual budget submission by the President to Congress under section 1105 of title 31, a consolidated budget justification display, in classified and unclassified form, that identifies all overseas construction projects funded with amounts appropriated or otherwise made available for operation and maintenance in support of contingency operations.

''(B) The display prepared under subparagraph (A) shall include a list of all construction projects described in such subparagraph that were completed in the prior fiscal year, that are ongoing, or that are expected for the next five fiscal years, and shall identify for each project—

''(i) the component of the Department of Defense involved in the project;

''(ii) the location of the project;

''(iii) a brief description of the purpose of the project; and

''(iv) the actual or estimated cost of the project.''.

(b) REPORT ON CONSTRUCTION PROJECTS IN SUPPORT OF CONTINGENCY OPERATIONS.—

(1) IN GENERAL.—Not later than March 1, 2021, the Secretary of Defense shall submit to the congressional defense committees a report on ways to improve the development, funding, and execution of construction projects in support of overseas contingency operations, including those funded with amounts appropriated or otherwise made available for operation and maintenance and those funded with amounts appropriated or otherwise made available for military construction.

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

(A) An examination and comparison of the time required to plan, approve, and execute construction projects funded with operation and maintenance amounts versus those funded with military construction amounts, in support of contingency operations, including construction projects in support of recent operations in Afghanistan, Iraq, Syria, and Eastern Europe.

(B) A description of any challenges associated with the processes of the Department of Defense for planning, approving, and executing such projects.

(C) A description of any ongoing or planned efforts to improve such processes to promote efficiency and expediency in the development and execution of such projects.

(D) Any recommendations with respect to improving such processes, including those from the commanders of the combatant commands and the Secretaries of the military departments.

SEC. 373. PROVISION OF PROTECTION TO THE NATIONAL MUSEUM OF THE MARINE CORPS, THE NATIONAL MUSEUM OF THE UNITED STATES ARMY, THE NATIONAL MUSEUM OF THE UNITED STATES NAVY, AND THE NATIONAL MUSEUM OF THE UNITED STATES AIR FORCE.

Section 2465(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(5) A contract for the performance of onsite armed security guard functions to be performed—

''(A) at the Marine Corps Heritage Center at Marine Corps Base Quantico, Virginia, including the National Museum of the Marine Corps;

''(B) at the Heritage Center for the National Museum of the United States Army at Fort Belvoir, Virginia;

''(C) at the Heritage Center for the National Museum of the United States Navy at Washington, District of Columbia; or

''(D) at the Heritage Center for the National Museum of the United States Air Force at Wright-Patterson Air Force Base, Ohio.''.

SEC. 374. INAPPLICABILITY OF CONGRESSIONAL NOTIFICATION AND DOLLAR LIMITATION REQUIREMENTS FOR ADVANCE BILLINGS FOR CERTAIN BACKGROUND INVESTIGATIONS.

Section 2208(l) 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) This subsection shall not apply to advance billing for background investigation and related services performed by the Defense Counterintelligence and Security Agency.''.

SEC. 375. REPEAL OF SUNSET FOR MINIMUM ANNUAL PURCHASE AMOUNT FOR CARRIERS PARTICIPATING IN THE CIVIL RESERVE AIR FLEET.

Section 9515 of title 10, United States Code, is amended by striking subsection (k).

SEC. 376. IMPROVEMENT OF THE OPERATIONAL ENERGY CAPABILITY IMPROVEMENT FUND OF THE DEPARTMENT OF DEFENSE.

(a) MANAGEMENT OF THE OPERATIONAL ENERGY CAPABILITY IMPROVEMENT FUND.—The Assistant Secretary of Defense for Sustainment shall exercise authority, direction, and control over the Operational Energy Capability Improvement Fund of the Department of Defense (in this section referred to as the ''OECIF'').

(b) ALIGNMENT AND COORDINATION WITH RELATED PROGRAMS.—

(1) REALIGNMENT OF OECIF.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall realign the OECIF under the Assistant Secretary of Defense for Sustainment, with such realignment to include personnel positions adequate for the mission of the OECIF.

(2) BETTER COORDINATION WITH RELATED PROGRAMS.—The Assistant Secretary shall ensure that the placement under the authority of the Assistant Secretary of the OECIF along with the Strategic Environmental Research Program, the Environmental Security Technology Certification Program, and the Operational Energy Prototyping Program is utilized to advance common goals of the Department, promote organizational synergies, and avoid unnecessary duplication of effort.

(c) PROGRAM FOR OPERATIONAL ENERGY PROTOTYPING.—

(1) IN GENERAL.—Commencing not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, through the Assistant Secretary of Defense for Sustainment, shall carry out a program for the demonstration of technologies related to operational energy prototyping, including demonstration of operational energy technology and validation prototyping.

(2) OPERATION OF PROGRAM.—The Secretary shall ensure that the program under paragraph (1) operates in conjunction with the OECIF to promote the transfer of innovative technologies that have successfully established proof of concept for use in production or in the field.

(3) PROGRAM ELEMENTS.—In carrying out the program under paragraph (1) the Secretary shall—

(A) identify and demonstrate the most promising, innovative, and cost-effective technologies and methods that address high-priority operational energy requirements of the Department of Defense;

(B) in conducting demonstrations under subparagraph (A), the Secretary shall—

(i) collect cost and performance data to overcome barriers against employing an innovative technology because of concerns regarding technical or programmatic risk; and

(ii) ensure that components of the Department have time to establish new requirements where necessary and plan, program, and budget for technology transition to programs of record;

(C) utilize project structures similar to those of the OECIF to ensure transparency and accountability throughout the efforts conducted under the program; and

(D) give priority, in conjunction with the OECIF, to the development and fielding of clean technologies that reduce reliance on fossil fuels.

(4) TOOL FOR ACCOUNTABILITY AND TRANSITION.—

(A) IN GENERAL.—In carrying out the program under paragraph (1) the Secretary shall develop and utilize a tool to track relevant investments in operational energy from applied research to transition to use to ensure user organizations have the full picture of technology maturation and development.

(B) TRANSITION.—The tool developed and utilized under subparagraph (A) shall be designed to overcome transition challenges with rigorous and well-documented demonstrations that provide the information needed by all stakeholders for acceptance of the technology.

(5) LOCATIONS.—

(A) IN GENERAL.—The Secretary shall carry out the testing and evaluation phase of the program under paragraph (1) at installations of the Department of Defense or in conjunction with exercises conducted by the Joint Staff, a combatant command, or a military department.

(B) FORMAL DEMONSTRATIONS.—The Secretary shall carry out any formal demonstrations under the program under paragraph (1) at installations of the Department or in operational settings to document and validate improved warfighting performance and cost savings.

SEC. 377. COMMISSION ON THE NAMING OF ITEMS OF THE DEPARTMENT OF DEFENSE THAT COMMEMORATE THE CONFEDERATE STATES OF AMERICA OR ANY PERSON WHO SERVED VOLUNTARILY WITH THE CONFEDERATE STATES OF AMERICA.

(a) REMOVAL.—Not later than three years after the date of the enactment of this Act, the Secretary of Defense shall implement the plan submitted by the commission described in paragraph (b) and remove all names, symbols, displays, monuments, and paraphernalia that honor or commemorate the Confederate States of America (commonly referred to as the ''Confederacy'') or any person who served voluntarily with the Confederate States of America from all assets of the Department of Defense.

(b) IN GENERAL.—The Secretary of Defense shall establish a commission relating to assigning, modifying, or removing of names, symbols, displays, monuments, and paraphernalia to assets of the Department of Defense that commemorate the Confederate States of America or any person who served voluntarily with the Confederate States of America.

(c) DUTIES.—The Commission shall—

(1) assess the cost of renaming or removing names, symbols, displays, monuments, or paraphernalia that commemorate the Confederate States of America or any person who served voluntarily with the Confederate States of America;

(2) develop procedures and criteria to assess whether an existing name, symbol, monument, display, or paraphernalia commemorates the Confederate States of America or person who served voluntarily with the Confederate States of America;

(3) recommend procedures for renaming assets of the Department of Defense to prevent commemoration of the Confederate States of America or any person who served voluntarily with the Confederate States of America;

(4) develop a plan to remove names, symbols, displays, monuments, or paraphernalia that commemorate the Confederate States of America or any person who served voluntarily with the Confederate States of America from assets of the Department of Defense, within the timeline established by this Act; and

(5) include in the plan procedures and criteria for collecting and incorporating local sensitivities associated with naming or renaming of assets of the Department of Defense.

(d) MEMBERSHIP.—The Commission shall be composed of eight members, of whom—

(1) four shall be appointed by the Secretary of Defense;

(2) one shall be appointed by the Chairman of the Committee on Armed Services of the Senate;

(3) one shall be appointed by the Ranking Member of the Committee on Armed Services of the Senate;

(4) one shall be appointed by the Chairman of the Committee on Armed Services of the House of Representatives; and

(5) one shall be appointed by the Ranking Member of the Committee on Armed Services of the House of Representatives.

(e) APPOINTMENT.—Members of the Commission shall be appointed not later than 45 days after the date of the enactment of this Act.

(f) INITIAL MEETING.—The Commission shall hold its initial meeting on the date that is 60 days after the enactment of this Act.

(g) BRIEFINGS AND REPORTS.—Not later than October 1, 2021, the Commission shall brief the Committees on Armed Services of the Senate and House of Representatives detailing the progress of the requirements under subsection (c). Not later than October 1, 2022, and not later than 90 days before the implementation of the plan in subsection (c)(4), the Commission shall present a briefing and written report detailing the results of the requirements under subsection (c), including:

(1) A list of assets to be removed or renamed.

(2) Costs associated with the removal or renaming of assets in subsection (g)(1).

(3) Criteria and requirements used to nominate and rename assets in subsection (g)(1).

(4) Methods of collecting and incorporating local sensitivities associated with the removal or renaming of assets in subsection (g)(1).

(h) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $2,000,000 to carry out this section.

(2) OFFSET.—The amount authorized to be appropriated by the Act for fiscal year 2021 for Operations and Maintenance, Army, sub activity group 434 - other personnel support is hereby reduced by $2,000,000.

(i) ASSETS DEFINED.—In this section, the term ''assets'' includes any base, installation, street, building, facility, aircraft, ship, plane, weapon, equipment, or any other property owned or controlled by the Department of Defense.

(j) EXEMPTION FOR GRAVE MARKERS.—Shall not cover monuments but shall exempt grave markers. Congress expects the commission to further define what constitutes a grave marker.

SEC. 378. MODIFICATIONS TO REVIEW OF PROPOSED ACTIONS BY MILITARY AVIATION AND INSTALLATION ASSURANCE CLEARINGHOUSE.

Section 183a(c)(2) of title 10, United States Code, is amended—

(1) by striking ''If the Clearinghouse'' and inserting ''(A) If the Clearinghouse''; and

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

''(B) After the Clearinghouse issues a notice under subparagraph (A) with respect to an energy project, the parties should seek to identify feasible and affordable actions that can be taken by the Department, the developer of such energy project, or others to mitigate any adverse impact on military operations and readiness.

''(C) If the Secretary determines within a reasonable period of time after the issuance of a notice under subparagraph (A) with respect to an energy project that the concerns identified in the preliminary review conducted under paragraph (1) with respect to such project have been mitigated to the extent that such project does not pose an unacceptable level of risk to military operations and readiness, the Clearinghouse shall timely issue a mission compatibility letter to the applicant of such project, the governor of the State in which such project is located, and the Secretary of the finding of the Clearinghouse.''.

SEC. 379. ADJUSTMENT IN AVAILABILITY OF APPROPRIATIONS FOR UNUSUAL COST OVERRUNS AND FOR CHANGES IN SCOPE OF WORK.

Section 8683 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) TREATMENT OF AMOUNTS APPROPRIATED AFTER END OF PERIOD OF OBLIGATION.—In the application of section 1553(c) of title 31 to funds appropriated in the Operation and Maintenance, Navy account that are available for ship overhaul, the Secretary of the Navy—

''(1) may treat the limitation specified in paragraph (1) of such section to be '$10,000,000' rather than '$4,000,000'; and

''(2) may treat the limitation specified in paragraph (2) of such section to be '$30,000,000' rather than '$25,000,000'.''.

SEC. 380. REQUIREMENT THAT SECRETARY OF DEFENSE IMPLEMENT SECURITY AND EMERGENCY RESPONSE RECOMMENDATIONS RELATING TO ACTIVE SHOOTER OR TERRORIST ATTACKS ON INSTALLATIONS OF DEPARTMENT OF DEFENSE.

(a) REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall implement the applicable security and emergency response recommendations relating to active shooter or terrorist attacks on installations of the Department of Defense made in the following reports:

(1) The report by the Government Accountability Office dated July 2015 entitled, ''Insider Threats: DOD Should Improve Information Sharing and Oversight to Protect U.S. Installations'' (GAO-15-543).

(2) The report prepared by the Department of the Navy relating to the Washington Navy Yard shooting in 2013.

(3) The report by the Department of the Army dated August 2010 entitled ''Fort Hood, Army Internal Review Team: Final Report''.

(4) The independent review by the Department of Defense dated January 2010 entitled ''Protecting the Force: Lessons from Fort Hood''.

(5) The report by the Department of the Air Force dated October 2010 entitled ''Air Force Follow-On Review: Protecting the Force: Lessons from Fort Hood''.

(b) NOTIFICATION OF INAPPLICABLE RECOMMENDATIONS.—

(1) IN GENERAL.—If the Secretary determines that a recommendation described in subsection (a) is outdated, is no longer applicable, or has been superseded by more recent separate guidance or recommendations set forth by the Government Accountability Office, the Department of Defense, or another entity in related contracted review, the Secretary shall notify the Committees on Armed Services of the Senate and the House of Representatives not later than 45 days after the date of the enactment of this Act.

(2) IDENTIFICATION AND JUSTIFICATION.—The notification under paragraph (1) shall include an identification, set forth by report specified in subsection (a), of each recommendation that the Secretary determines should not be implemented, with a justification for each such determination.

SEC. 381. CLARIFICATION OF FOOD INGREDIENT REQUIREMENTS 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 of the notice.

(2) Contact information for the appropriate office at the Department of Defense.

(3) A summary of the notice.

(4) A date for comments to be submitted and specific methods for submitting comments.

(5) A description of the substance of the proposed action.

(6) Findings and a statement of reasons supporting the proposed action.

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, 2021, as follows:

(1) The Army, 485,000.

(2) The Navy, 346,730.

(3) The Marine Corps, 180,000.

(4) The Air Force, 333,475.

SEC. 402. END STRENGTH LEVEL MATTERS.

(a) STRENGTH LEVELS TO SUPPORT TWO MAJOR REGIONAL CONTINGENCIES.—

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

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

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

(1) in subsection (f)(1), by striking ''increase'' and inserting ''vary''; and

(2) in subsection (g)(1)(A), by striking ''increase'' and inserting ''vary''.

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, 2021, as follows:

(1) The Army National Guard of the United States, 336,500.

(2) The Army Reserve, 189,800.

(3) The Navy Reserve, 58,800.

(4) The Marine Corps Reserve, 38,500.

(5) The Air National Guard of the United States, 108,100.

(6) The Air Force Reserve, 70,300.

(7) The Coast Guard Reserve, 7,000.

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

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

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

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

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

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2021, 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, 10,215.

(4) The Marine Corps Reserve, 2,386.

(5) The Air National Guard of the United States, 25,333.

(6) The Air Force Reserve, 5,256.

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 2021 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

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

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

(3) For the Air National Guard of the United States, 10,994.

(4) For the Air Force Reserve, 7,947.

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

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

During fiscal year 2021, 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. SEPARATE AUTHORIZATION BY CONGRESS OF MINIMUM END STRENGTHS FOR NON-TEMPORARY MILITARY TECHNICIANS (DUAL STATUS) AND MAXIMUM END STRENGTHS FOR TEMPORARY MILITARY TECHNICIANS (DUAL STATUS).

(a) IN GENERAL.—Section 115(d) of title 10, United States Code, is amended—

(1) in the first sentence, by striking ''the end strength for military technicians (dual status)'' and inserting ''both the minimum end strength for non-temporary military technicians (dual status) and the maximum end strength for temporary military technicians (dual status)''; and

(2) in the third sentence, by striking ''the end strength requested for military technicians (dual status)'' and inserting ''the minimum end strength for non-temporary military technicians (dual status), and the maximum end strength for temporary military technicians (dual status), requested''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the day after the date of the enactment of this Act. The amendment made by subsection (a)(2) shall apply with respect to budgets submitted by the President to Congress under section 1105 of title 31, United States Code, after such effective date.

Subtitle C—Authorization of Appropriations

SEC. 421. MILITARY PERSONNEL.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2021 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for 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 2021.

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, 2021, 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. TEMPORARY EXPANSION OF AVAILABILITY OF ENHANCED CONSTRUCTIVE SERVICE CREDIT IN A PARTICULAR CAREER FIELD UPON ORIGINAL APPOINTMENT AS A COMMISSIONED OFFICER.

(a) REGULAR OFFICERS.—Subparagraph (D) of section 533(b)(1) of title 10, United States Code, is amended to read as follows:

''(D) Additional credit as follows:

''(i) For special training or experience in a particular officer field as designated by the Secretary concerned, if such training or experience is directly related to the operational needs of the armed force concerned.

''(ii) During fiscal years 2021 through 2025, for advanced education in an officer field so designated, if such education is directly related to the operational needs of the armed force concerned.''.

(b) RESERVE OFFICERS.—Section 12207(b)(1) of such title is amended—

(1) in the matter preceding subparagraph (A), ''or a designation in'' and all that follows through ''education or training,'' and inserting ''and who has special training or experience, or advanced education (if applicable),''; and

(2) by striking subparagraph (D) and inserting the following new subparagraph:

''(D) Additional credit as follows:

''(i) For special training or experience in a particular officer field as designated by the Secretary concerned, if such training or experience is directly related to the operational needs of the armed force concerned.

''(ii) During fiscal years 2021 through 2025, for advanced education in an officer field so designated, if such education is directly related to the operational needs of the armed force concerned.''.

(c) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than February 1, 2022, and every four years thereafter, each Secretary of a military department shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the use of the authorities in subparagraph (D) of section 553(b)(1) of title 10, United States Code (as amended by subsection (a)), and subparagraph (D) of section 12207(b)(1) of such title

(as amended by subsection (b)) (each referred to in this subsection as a ''constructive credit authority'') during the preceding fiscal year for the Armed Forces under the jurisdiction of such Secretary.

(2) ELEMENTS.—Each report under paragraph (1) shall include, for the fiscal year and Armed Forces covered by such report, the following:

(A) The manner in which constructive service credit was calculated under each constructive credit authority.

(B) The number of officers credited constructive service credit under each constructive credit authority.

(C) A description and assessment of the utility of the constructive credit authorities in meeting the operational needs of the Armed Force concerned.

(D) Such other matters in connection with the constructive credit authorities as the Secretary of the military department concerned considers appropriate.

SEC. 503. REQUIREMENT FOR PROMOTION SELECTION BOARD RECOMMENDATION OF HIGHER PLACEMENT ON PROMOTION LIST OF OFFICERS OF PARTICULAR MERIT.

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

(1) in paragraph (1)—

(A) by striking ''may'' and inserting ''shall''; and

(B) by inserting '', pursuant to guidelines and procedures prescribed by the Secretary,'' after ''officers of particular merit''; and

(2) in paragraph (3), by inserting '', pursuant to guidelines and procedures prescribed by the Secretary concerned,'' after ''shall recommend''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to officers recommended for promotion by promotion selection boards convened on or after that date.

SEC. 504. SPECIAL SELECTION REVIEW BOARDS FOR REVIEW OF PROMOTION OF OFFICERS SUBJECT TO ADVERSE INFORMATION IDENTIFIED AFTER RECOMMENDATION FOR PROMOTION AND RELATED MATTERS.

(a) REGULAR OFFICERS.—

(1) IN GENERAL.—Subchapter III of chapter 36 of title 10, United States Code, is amended by inserting after section 628 the following new section:

''§ 628a. Special selection review boards

''(a) IN GENERAL.—(1) If the Secretary of the military department concerned determines that a person recommended by a promotion board for promotion to a grade at or below the grade of major general, rear admiral in the Navy, or an equivalent grade in the Space Force is the subject of credible information of an adverse nature, including any substantiated adverse finding or conclusion described in section 615(a)(3)(A) of this title, that was not furnished to the promotion board during its consideration of the person for promotion as otherwise required by such section, the Secretary shall convene a special selection review board under this section to review the person and recommend whether the recommendation for promotion of the person should be sustained.

''(2) If a person and the recommendation for promotion of the person is subject to review under this section by a special selection review board convened under this section, the name of the person—

''(A) shall not be disseminated or publicly released on the list of officers recommended for promotion by the promotion board recommending the promotion of the person; and

''(B) shall not be forwarded to the Secretary of Defense, the President, or the Senate, as applicable, or included on a promotion list under section 624(a) of this title.

''(b) CONVENING.—(1) Any special selection review board convened under this section shall be convened in accordance with the provisions of section 628(f) of this title.

''(2) Any special selection review board convened under this section may review such number of persons, and recommendations for promotion of such persons, as the Secretary of the military department concerned shall specify in convening such special selection review board.

''(c) INFORMATION CONSIDERED.—(1) In reviewing a person and recommending whether the recommendation for promotion of the person should be sustained under this section, a special selection review board convened under this section shall be furnished and consider the following:

''(A) The record and information concerning the person furnished in accordance with section 615(a)(2) of this title to the promotion board that recommended the person for promotion.

''(B) Any credible information of an adverse nature on the person, including any substantiated adverse finding or conclusion from an officially documented investigation or inquiry described in section 615(a)(3)(A) of this title.

''(2) The furnishing of information to a special selection review board under paragraph (1)(B) shall be governed by the standards and procedures referred to in paragraph (3)(C) of section 615(a) of this title applicable to the furnishing of information described in paragraph (3)(A) of such section to selection boards in accordance with that section.

''(3)(A) Before information on a person described in paragraph (1)(B) is furnished to a special selection review board for purposes of this section, the Secretary of the military department concerned shall ensure that—

''(i) such information is made available to the person; and

''(ii) subject to subparagraphs (C) and (D), the person is afforded a reasonable opportunity to submit comments on such information to the special selection review board before its review of the person and the recommendation for promotion of the person under this section.

''(B) If information on a person described in paragraph (1)(B) is not made available to the person as otherwise required by subparagraph (A)(i) due to the classification status of such information, the person shall, to the maximum extent practicable, be furnished a summary of such information appropriate to the person's authorization for access to classified information.

''(C)(i) An opportunity to submit comments on information is not required for a person under subparagraph (A)(ii) if—

''(I) such information was made available to the person in connection with the furnishing of such information under section 615(a) of this title to the promotion board that recommended the promotion of the person subject to review under this section; and

''(II) the person submitted comments on such information to that promotion board.

''(ii) The comments on information of a person described in clause (i)(II) shall be furnished to the special selection review board.

''(D) A person may waive either or both of the following:

''(i) The right to submit comments to a special selection review board under subparagraph (A)(ii).

''(ii) The furnishing of comments to a special selection review board under subparagraph (C)(ii).

''(d) CONSIDERATION.—(1) In considering the record and information on a person under this section, the special selection review board shall compare such record and information with an appropriate sampling of the records of those officers of the same competitive category who were recommended for promotion by the promotion board that recommended the person for promotion, and an appropriate sampling of the records of those officers who were considered by and not recommended for promotion by that promotion board.

''(2) Records and information shall be presented to a special selection review board for purposes of paragraph (1) in a manner that does not indicate or disclose the person or persons for whom the special selection review board was convened.

''(3) In considering whether the recommendation for promotion of a person should be sustained under this section, a special selection review board shall, to the greatest extent practicable, apply standards used by the promotion board that recommended the person for promotion.

''(4) The recommendation for promotion of a person may be sustained under this section only if the special selection review board determines that the person—

''(A) ranks on an order of merit created by the special selection review board as better qualified for promotion than the sample officer highest on the order of merit list who was considered by and not recommended for promotion by the promotion board concerned; and

''(B) is comparable in qualification for promotion to those sample officers who were recommended for promotion by that promotion board.

''(5) A recommendation for promotion of a person may be sustained under this section only by a vote of a majority of the members of the special selection review board.

''(6) If a special selection review board does not sustain a recommendation for promotion of a person under this section, the person shall be considered to have failed of selection for promotion.

''(e) REPORTS.—(1) Each special selection review board convened under this section shall submit to the Secretary of the military department concerned a written report, signed by each member of the board, containing the name of each person whose recommendation for promotion it recommends for sustainment and certifying that the board has carefully considered the record and information of each person whose name was referred to it.

''(2) The provisions of sections 617(b) and 618 of this title apply to the report and proceedings of a special selection review board convened under this section in the same manner as they apply to the report and proceedings of a promotion board convened under section 611(a) of this title.

''(f) APPOINTMENT OF PERSONS.—(1) If the report of a special selection review board convened under this section recommends the sustainment of the recommendation for promotion to the next higher grade of a person whose name was referred to it for review under this section, and the President approves the report, the person shall, as soon as practicable, be appointed to that grade in accordance with subsections (b) and (c) of section 624 of this title.

''(2) A person who is appointed to the next higher grade as described in paragraph (1) shall, upon that appointment, have the same date of rank, the same effective date for the pay and allowances of that grade, and the same position on the active-duty list as the person would have had pursuant to the original recommendation for promotion of the promotion board concerned.

''(g) REGULATIONS.—(1) The Secretary of Defense shall prescribe regulations to carry out this section. Such regulations shall apply uniformly across the military departments.

''(2) Any regulation prescribed by the Secretary of a military department to supplement the regulations prescribed pursuant to paragraph (1) may not take effect without the approval of the Secretary of Defense, in writing.

''(h) PROMOTION BOARD DEFINED.—In this section, the term 'promotion board 'means a selection board convened by the Secretary of a military department under section 611(a) of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter III of chapter 36 of such title is amended by inserting after the item relating to section 628 the following new item:

''628a. Special selection review boards.''.

(3) DELAY IN PROMOTION.—Section 624(d) of such title is amended—

(A) in paragraph (1)—

(i) in subparagraph (D), by striking ''or'' at the end;

(ii) in subparagraph (E), by striking the period at the end and inserting ''; or''; and

(iii) by inserting after subparagraph (E) the following new subparagraph (F):

''(F) the Secretary of the military department concerned determines that credible information of an adverse nature, including a substantiated adverse finding or conclusion described in section 615(a)(3)(A) of this title, with respect to the officer will result in the convening of a special selection review board under section 628a of this title to review the officer and recommend whether the recommendation for promotion of the officer should be sustained.'';

(B) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

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

''(3) In the case of an officer whose promotion is delayed pursuant to paragraph (1)(F) and whose recommendation for promotion is sustained, authorities for the promotion of the officer are specified in section 628a(f) of this title.''; and

(D) in paragraph (4), as redesignated by subparagraph (B)—

(i) by striking ''The appointment'' and inserting ''(A) Except as provided in subparagraph (B), the appointment''; and

(ii) by adding at the end the following new subparagraph:

''(B) In the case of an officer whose promotion is delayed pursuant to paragraph (1)(F), requirements applicable to notice and opportunity for response to such delay are specified in section 628a(c)(3) of this title.''.

(b) RESERVE OFFICERS.—

(1) IN GENERAL.—Chapter 1407 of title 10, United States Code, is amended by inserting after section 14502 the following new section:

''§ 14502a. Special selection review boards

''(a) IN GENERAL.—(1) If the Secretary of the military department concerned determines that a person recommended by a promotion board for promotion to a grade at or below the grade of major general or rear admiral in the Navy is the subject of credible information of an adverse nature, including any substantiated adverse finding or conclusion described in section 14107(a)(3)(A) of this title, that was not furnished to the promotion board during its consideration of the person for promotion as otherwise required by such section, the Secretary shall convene a special selection review board under this section to review the person and recommend whether the recommendation for promotion of the person should be sustained.

''(2) If a person and the recommendation for promotion of the person is subject to review under this section by a special selection review board convened under this section, the name of the person—

''(A) shall not be disseminated or publicly released on the list of officers recommended for promotion by the promotion board recommending the promotion of the person; and

''(B) shall not be forwarded to the Secretary of Defense, the President, or the Senate, as applicable, or included on a promotion list under section 14308(a) of this title.

''(b) CONVENING.—(1) Any special selection review board convened under this section shall be convened in accordance with the provisions of section 14502(b)(2) of this title.

''(2) Any special selection review board convened under this section may review such number of persons, and recommendations for promotion of such persons, as the Secretary of the military department concerned shall specify in convening such special selection review board.

''(c) INFORMATION CONSIDERED.—(1) In reviewing a person and recommending whether the recommendation for promotion of the person should be sustained under this section, a special selection review board convened under this section shall be furnished and consider the following:

''(A) The record and information concerning the person furnished in accordance with section 14107(a)(2) of this title to the promotion board that recommended the person for promotion.

''(B) Any credible information of an adverse nature on the person, including any substantiated adverse finding or conclusion from an officially documented investigation or inquiry described in section 14107(a)(3)(A) of this title.

''(2) The furnishing of information to a special selection review board under paragraph (1)(B) shall be governed by the standards and procedures referred to in paragraph (3)(B) of section 14107(a) of this title applicable to the furnishing of information described in paragraph (3)(A) of such section to promotion boards in accordance with that section.

''(3)(A) Before information on person described in paragraph (1)(B) is furnished to a special selection review board for purposes of this section, the Secretary of the military department concerned shall ensure that—

''(i) such information is made available to the person; and

''(ii) subject to subparagraphs (C) and (D), the person is afforded a reasonable opportunity to submit comments on such information to the special selection review board before its review of the person and the recommendation for promotion of the person under this section.

''(B) If information on an officer described in paragraph (1)(B) is not made available to the person as otherwise required by subparagraph (A)(i) due to the classification status of such information, the person shall, to the maximum extent practicable, be furnished a summary of such information appropriate to the person's authorization for access to classified information.

''(C)(i) An opportunity to submit comments on information is not required for a person under subparagraph (A)(ii) if—

''(I) such information was made available to the person in connection with the furnishing of such information under section 14107(a) of this title to the promotion board that recommended the promotion of the person subject to review under this section; and

''(II) the person submitted comments on such information to that promotion board.

''(ii) The comments on information of a person described in clause (i)(II) shall be furnished to the special selection review board.

''(D) A person may waive either or both of the following:

''(i) The right to submit comments to a special selection review board under subparagraph (A)(ii).

''(ii) The furnishing of comments to a special selection review board under subparagraph (C)(ii).

''(d) CONSIDERATION.—(1) In considering the record and information on a person under this section, the special selection review board shall compare such record and information with an appropriate sampling of the records of those officers of the same competitive category who were recommended for promotion by the promotion board that recommended the person for promotion, and an appropriate sampling of the records of those officers who were considered by and not recommended for promotion by that promotion board.

''(2) Records and information shall be presented to a special selection review board for purposes of paragraph (1) in a manner that does not indicate or disclose the person or persons for whom the special selection review board was convened.

''(3) In considering whether the recommendation for promotion of a person should be sustained under this section, a special selection review board shall, to the greatest extent practicable, apply standards used by the promotion board that recommended the person for promotion.

''(4) The recommendation for promotion of a person may be sustained under this section only if the special selection review board determines that the person—

''(A) ranks on an order of merit created by the special selection review board as better qualified for promotion than the sample officer highest on the order of merit list who was considered by and not recommended for promotion by the promotion board concerned; and

''(B) is comparable in qualification for promotion to those sample officers who were recommended for promotion by that promotion board.

''(5) A recommendation for promotion of a person may be sustained under this section only by a vote of a majority of the members of the special selection review board.

''(6) If a special selection review board does not sustain a recommendation for promotion of a person under this section, the person shall be considered to have failed of selection for promotion.

''(e) REPORTS.—(1) Each special selection review board convened under this section shall submit to the Secretary of the military department concerned a written report, signed by each member of the board, containing the name of each person whose recommendation for promotion it recommends for sustainment and certifying that the board has carefully considered the record and information of each person whose name was referred to it.

''(2) The provisions of sections 14109(c), 14110, and 14111 of this title apply to the report and proceedings of a special selection review board convened under this section in the same manner as they apply to the report and proceedings of a promotion board convened under section 14101(a) of this title.

''(f) APPOINTMENT OF PERSONS.—(1) If the report of a special selection review board convened under this section recommends the sustainment of the recommendation for promotion to the next higher grade of a person whose name was referred to it for review under this section, and the President approves the report, the person shall, as soon as practicable, be appointed to that grade in accordance with section 14308 of this title.

''(2) A person who is appointed to the next higher grade as described in paragraph (1) shall, upon that appointment, have the same date of rank, the same effective date for the pay and allowances of that grade, and the same position on the reserve active-status list as the person would have had pursuant to the original recommendation for promotion of the promotion board concerned.

''(g) REGULATIONS.—(1) The Secretary of Defense shall prescribe regulations to carry

out this section. Such regulations shall apply uniformly across the military departments.

''(2) Any regulation prescribed by the Secretary of a military department to supplement the regulations prescribed pursuant to paragraph (1) may not take effect without the approval of the Secretary of Defense, in writing.

''(h) PROMOTION BOARD DEFINED.—In this section, the term 'promotion board 'means a selection board convened by the Secretary of a military department under section 14101(a) of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1407 of such title is amended by inserting after the item relating to section 14502 the following new item:

''14502a. Special selection review boards.''.

(3) DELAY IN PROMOTION.—Section 14311 of such title is amended—

(A) in subsection (a)—

(i) in paragraph (1), by adding at the end the following new subparagraph:

''(F) The Secretary of the military department concerned determines that credible information of adverse nature, including a substantiated adverse finding or conclusion described in section 14107(a)(3)(A) of this title, with respect to the officer will result in the convening of a special selection review board under section 14502a of this title to review the officer and recommend whether the recommendation for promotion of the officer should be sustained.''; and

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

''(2) In the case of an officer whose promotion is delayed pursuant to paragraph (1)(F) and whose recommendation for promotion is sustained, authorities for the promotion of the officer are specified in section 14502a(f) of this title.''; and

(B) in subsection (c), by adding at the end the following new paragraph:

''(3) Notwithstanding paragraphs (1) and (2), in the case of an officer whose promotion is delayed pursuant to subsection (a)(1)(F), requirements applicable to notice and opportunity for response to such delay are specified in section 14502a(c)(3) of this title.''.

(c) REQUIREMENTS FOR FURNISHING ADVERSE INFORMATION ON REGULAR OFFICERS TO PROMOTION SELECTION BOARDS.—

(1) EXTENSION OF REQUIREMENTS TO SPACE FORCE REGULAR OFFICERS.—Subparagraph (B)(i) of section 615(a)(3) of title 10, United States Code, is amended by striking ''or, in the case of the Navy, lieutenant'' and inserting '', in the case of the Navy, lieutenant, or in the case of the Space Force, the equivalent grade''.

(2) SATISFACTION OF REQUIREMENTS THROUGH SPECIAL SELECTION REVIEW BOARDS.—Such section is further amended by adding at the end the following new subparagraph:

''(D) With respect to the consideration of an officer for promotion to a grade at or below major general, in the case of the Navy, rear admiral, or, in the case of the Space Force, the equivalent grade, the requirements in subparagraphs (A) and (C) may be met through the convening and actions of a special selection review board with respect to the officer under section 628a of this title.''.

(3) DELAYED APPLICABILITY OF REQUIREMENTS TO BOARDS FOR PROMOTION OF OFFICERS TO NON-GENERAL AND FLAG OFFICER GRADES.—Subsection (c) of section 502 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended to read as follows:

''(c) EFFECTIVE DATE AND APPLICABILITY.—

''(1) EFFECTIVE DATE.—The amendments made by this section shall take effect on December 20, 2019, and shall, except as provided in paragraph (2), apply with respect to the proceedings of promotion selection boards convened under section 611(a) of title 10, United States Code, after that date.

''(2) DELAYED APPLICABILITY FOR BOARDS FOR PROMOTION TO NON-GENERAL AND FLAG OFFICER GRADES.—The amendments made this section shall apply with respect to the proceedings of promotion selection boards convened under section 611(a) of title 10, United States Code, for consideration of officers for promotion to a grade below the grade of brigadier general or, in the case of the Navy, rear admiral (lower half), only if such boards are so convened after January 1, 2021.''.

(d) REQUIREMENTS FOR FURNISHING ADVERSE INFORMATION ON RESERVE OFFICERS TO PROMOTION SELECTION BOARDS.—Section 14107(a)(3) of title 10, United States Code, is amended—

(1) by inserting ''(A)'' after ''(3)'';

(2) in subparagraph (A), as designated by paragraph (1), by striking ''colonel, or, in the case of the Navy, captain'' and inserting ''lieutenant colonel, or, in the case of the Navy, commander''; and

(3) by adding at the end the following new subparagraphs

''(B) The standards and procedures referred to in subparagraph (A) shall require the furnishing to the selection board, and to each individual member of the board, the information described in that subparagraph with regard to an officer in a grade specified in that subparagraph 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) With respect to the consideration of an officer for promotion to a grade at or below major general or, in the Navy, rear admiral, the requirements in subparagraphs (A) and (B) may be met through the convening and actions of a special selection board with respect to the officer under section 14502a of this title.''.

SEC. 505. NUMBER OF OPPORTUNITIES FOR CONSIDERATION FOR PROMOTION UNDER ALTERNATIVE PROMOTION AUTHORITY.

Section 649c 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) INAPPLICABILITY OF REQUIREMENT RELATING TO OPPORTUNITIES FOR CONSIDERATION FOR PROMOTION.—Section 645(1)(A)(i)(I) of this title shall not apply to the promotion of officers described in subsection (a) to the extent that such section is inconsistent with a number of opportunities for promotion specified pursuant to section 649d of this title.''.

SEC. 506. MANDATORY RETIREMENT FOR AGE.

(a) GENERAL RULE.—Subsection (a) of section 1251 of title 10, United States Code, is amended—

(1) by inserting ''Space Force,'' after ''or Marine Corps,''; and

(2) by inserting ''or separated, as specified in subsection (e),'' after ''shall be retired''.

(b) DEFERRED RETIREMENT OR SEPARATION OF HEALTH PROFESSIONS OFFICERS.—Subsection (b) of such section is amended—

(1) in the subsection heading, by inserting ''OR SEPARATION'' after ''RETIREMENT''; and

(2) in paragraph (1), by inserting ''or separation'' after ''retirement''.

(c) DEFERRED RETIREMENT OR SEPARATION OF OTHER OFFICERS.—Subsection (c) of such section is amended—

(1) in the subsection heading, by striking ''OF CHAPLAINS'' and inserting ''OR SEPARATION OF OTHER OFFICERS'';

(2) by inserting ''or separation'' after ''retirement''; and

(3) by striking ''an officer who is appointed or designated as a chaplain'' and inserting ''any officer other than a health professions officer described in subsection (b)(2)''.

(d) RETIREMENT OR SEPARATION BASED ON YEARS OF CREDITABLE SERVICE.—Such section is further amended by adding at the end the following new subsection:

''(e) RETIREMENT OR SEPARATION BASED ON YEARS OF CREDITABLE SERVICE.—The following rules shall apply to a regular commissioned officer who is to be retired or separated under subsection (a):

''(1) If the officer has at least 6 but fewer than 20 years of creditable service, the officer shall be separated, with separation pay computed under section 1174(d)(1) of this title.

''(2) If the officer has fewer than 6 years of creditable service, the officer shall be separated under subsection (a).''.

SEC. 507. CLARIFYING AND IMPROVING RESTATEMENT OF RULES ON THE RETIRED GRADE OF COMMISSIONED OFFICERS.

(a) RESTATEMENT.—

(1) IN GENERAL.—Chapter 69 of title 10, United States Code, is amended by striking section 1370 and inserting the following new sections:

''§ 1370. Regular commissioned officers

''(a) RETIREMENT IN HIGHEST GRADE IN WHICH SERVED SATISFACTORILY.—

''(1) IN GENERAL.—Unless entitled to a different retired grade under some other provision of law, a commissioned officer (other than a commissioned warrant officer) of the Army, Navy, Air Force, Marine Corps, or Space Force who retires under any provision of law other than chapter 61 or 1223 of this title shall be retired in the highest permanent grade in which such officer is determined to have served on active duty satisfactorily.

''(2) DETERMINATION OF SATISFACTORY SERVICE.—The determination of satisfactory service of an officer in a grade under paragraph (1) shall be made as follows:

''(A) By the Secretary of the military department concerned, if the officer is serving in a grade at or below the grade of major general, rear admiral in the Navy, or the equivalent grade in the Space Force.

''(B) By the Secretary of Defense, if the officer is serving or has served in a grade above the grade of major general, rear admiral in the Navy, or the equivalent grade in the Space Force.

''(3) EFFECT OF MISCONDUCT IN LOWER GRADE IN DETERMINATION.—If the Secretary of a military department or the Secretary of Defense, as applicable, determines that an officer committed misconduct in a lower grade than the retirement grade otherwise provided for the officer by this section—

''(A) such Secretary may deem the officer to have not served satisfactorily in any grade equal to or higher than such lower grade for purposes of determining the retirement grade of the officer under this section; and

''(B) the grade next lower to such lower grade shall be the retired grade of the officer under this section.

''(4) NATURE OF RETIREMENT OF CERTAIN RESERVE OFFICERS AND OFFICERS IN TEMPORARY GRADES.—A reserve officer, or an officer appointed to a position under section 601 of this title, who is notified that the officer will be released from active duty without the officer's consent and thereafter requests retirement under section 7311, 8323, or 9311 of this title and is retired pursuant to that request is considered for purposes of this section to have been retired involuntarily.

''(5) NATURE OF RETIREMENT OF CERTAIN REMOVED OFFICERS.—An officer retired pursuant to section 1186(b)(1) of this title is considered for purposes of this section to have been retired voluntarily.

''(b) RETIREMENT OF OFFICERS RETIRING VOLUNTARILY.—

''(1) SERVICE-IN-GRADE REQUIREMENT.—In order to be eligible for voluntary retirement under any provision of this title in a grade above the grade of captain in the Army, Air Force, or Marine Corps, lieutenant in the Navy, or the equivalent grade in the Space Force, a commissioned officer of the Army, Navy, Air Force, Marine Corps, or Space Force must have served on active duty in that grade for a period of not less than three years, except that—

''(A) subject to subsection (c), the Secretary of Defense may reduce such period to a period of not less than two years for any officer; and

''(B) in the case of an officer to be retired in a grade at or below the grade of major general in the Army, Air Force, or Marine Corps, rear admiral in the Navy, or an equivalent grade in the Space Force, the Secretary of Defense may authorize the Secretary of the military department concerned to reduce such period to a period of not less than two years.

''(2) LIMITATION ON DELEGATION.—The authority of the Secretary of Defense in subparagraph (A) of paragraph (1) may not be delegated. The authority of the Secretary of a military department in subparagraph (B) of paragraph (1), as delegated to such Secretary pursuant to such subparagraph, may not be further delegated.

''(3) WAIVER OF REQUIREMENT.—Subject to subsection (c), the President may waive the application of the service-in-grade requirement in paragraph (1) to officers covered by that paragraph in individual cases involving extreme hardship or exceptional or unusual circumstances. The authority of the President under this paragraph may not be delegated.

''(4) LIMITATION ON REDUCTION OR WAIVER OF REQUIREMENT FOR OFFICERS UNDER INVESTIGATION OR PENDING MISCONDUCT.—In the case of an officer to be retired in a grade above the grade of colonel in the Army, Air Force, or Marine Corps, captain in the Navy, or the equivalent grade in the Space Force, the service-in-grade requirement in paragraph (1) may not be reduced pursuant to that paragraph, or waived pursuant to paragraph (3), while the officer is under investigation for alleged misconduct or while there is pending the disposition of an adverse personnel action against the officer.

''(5) GRADE AND FISCAL YEAR LIMITATIONS ON REDUCTION OR WAIVER OF REQUIREMENTS.—The aggregate number of members of an armed force in a grade for whom reductions are made under paragraph (1), and waivers are made under paragraph (3), in a fiscal year may not exceed—

''(A) in the case of officers to be retired in a grade at or below the grade of major in the Army, Air Force, or Marine Corps, lieutenant commander in the Navy, or the equivalent grade in the Space Force, the number equal to two percent of the authorized active-duty strength for that fiscal year for officers of that armed force in that grade;

''(B) in the case of officers to be retired in the grade of lieutenant colonel or colonel in the Army, Air Force, or Marine Corps, commander or captain in the Navy, or an equivalent grade in the Space Force, the number equal to four percent of the authorized active-duty strength for that fiscal year for officers of that armed force in the applicable grade; or

''(C) in the case of officers to be retired in the grade of brigadier general or major general in the Army, Air Force, or Marine Corps, rear admiral (lower half) or rear admiral in the Navy, or an equivalent grade in the Space Force, the number equal to 10 percent of the authorized active-duty strength for that fiscal year for officers of that armed force in the applicable grade.

''(6) NOTICE TO CONGRESS ON REDUCTION OR WAIVER OF REQUIREMENTS FOR GENERAL, FLAG, AND EQUIVALENT OFFICER GRADES.—In the case of an officer to be retired in a grade that is a general or flag officer grade, or an equivalent grade in the Space Force, who is eligible to retire in that grade only by reason of an exercise of the authority in paragraph (1) to reduce the service-in-grade requirement in that paragraph, or the authority in paragraph (3) to waive that requirement, the Secretary of Defense or the President, as applicable, shall, not later than 60 days prior to the date on which the officer will be retired in that grade, notify the Committees on Armed Services of the Senate and the House of Representatives of the exercise of the applicable authority with respect to that officer.

''(7) RETIREMENT IN NEXT LOWEST GRADE FOR OFFICERS NOT MEETING REQUIREMENT.—An officer described in paragraph (1) whose length of service in the highest grade held by the officer while on active duty does not meet the period of the service-in-grade requirement applicable to the officer under this subsection shall, subject to subsection (c), be retired in the next lower grade in which the officer served on active duty satisfactorily, as determined by the Secretary of the military department concerned or the Secretary of Defense, as applicable.

''(c) OFFICERS IN O–9 AND O–10 GRADES.—

''(1) IN GENERAL.—An officer of the Army, Navy, Air Force, Marine Corps, or Space Force who is serving or has served in a position of importance and responsibility designated by the President to carry the grade of lieutenant general or general in the Army, Air Force, or Marine Corps, vice admiral or admiral in the Navy, or an equivalent grade in the Space Force under section 601 of this title may be retired in such grade under subsection (a) only after the Secretary of Defense certifies in writing to the President and the Committees on Armed Services of the Senate and the House of Representatives that the officer served on active duty satisfactorily in such grade.

''(2) PROHIBITION ON DELEGATION.—The authority of the Secretary of Defense to make a certification with respect to an officer under paragraph (1) may not be delegated.

''(3) REQUIREMENTS IN CONNECTION WITH CERTIFICATION.—A certification with respect to an officer under paragraph (1) shall—

''(A) be submitted by the Secretary of Defense such that it is received by the President and the Committees on Armed Services of the Senate and the House of Representatives not later than 60 days prior to the date on which the officer will be retired in the grade concerned;

''(B) include an up-to-date copy of the military biography of the officer; and

''(C) include the statement of the Secretary as to whether or not potentially adverse, adverse, or reportable information regarding the officer was considered by the Secretary in making the certification.

''(4) CONSTRUCTION WITH OTHER NOTICE.—In the case of an officer under paragraph (1) to whom a reduction in the service-in-grade requirement under subsection (b)(1) or waiver under subsection (b)(3) applies, the requirement for notification under subsection (b)(6) is satisfied if the notification is included in the certification submitted by the Secretary of Defense under paragraph (1).

''(d) CONDITIONAL RETIREMENT GRADE AND RETIREMENT FOR OFFICERS PENDING INVESTIGATION OR ADVERSE ACTION.—

''(1) IN GENERAL.—When an officer serving in a grade at or below the grade of major general in the Army, Air Force, or Marine Corps, rear admiral in the Navy, or an equivalent grade in the Space Force is under investigation for alleged misconduct or pending the disposition of an adverse personnel action at the time of retirement, the Secretary of the military department concerned may—

''(A) conditionally determine the highest permanent grade of satisfactory service on active duty of the officer pending completion of the investigation or resolution of the personnel action, as applicable; and

''(B) retire the officer in that conditional grade, subject to subsection (e).

''(2) OFFICERS IN O–9 AND O–10 GRADES.—When an officer described by subsection (c)(1) is under investigation for alleged misconduct or pending the disposition of an adverse personnel action at the time of retirement, the Secretary of Defense may—

''(A) conditionally determine the highest permanent grade of satisfactory service on active duty of the officer, pending completion of the investigation or personnel action, as applicable; and

''(B) retire the officer in that conditional grade, subject to subsection (e).

''(3) REDUCTION OR WAIVER OF SERVICE-IN-GRADE REQUIREMENT PROHIBITED FOR GENERAL, FLAG, AND EQUIVALENT OFFICER GRADES.—In conditionally determining the retirement grade of an officer under paragraph (1)(A) or (2)(A) of this subsection to be a grade above the grade of colonel in the Army, Air Force, or Marine Corps, captain in the Navy, or the equivalent grade in the Space Force, the service-in-grade requirement in subsection (b)(1) may not be reduced pursuant to subsection (b)(1) or waived pursuant to subsection (b)(3).

''(4) PROHIBITION ON DELEGATION.—The authority of the Secretary of a military department under paragraph (1) may not be delegated. The authority of the Secretary of Defense under paragraph (2) may not be delegated.

''(e) FINAL RETIREMENT GRADE FOLLOWING RESOLUTION OF PENDING INVESTIGATION OR ADVERSE ACTION.—

''(1) NO CHANGE FROM CONDITIONAL RETIREMENT GRADE.—If the resolution of an investigation or personnel action with respect to an officer who has been retired in a conditional retirement grade pursuant to subsection (d) results in a determination that the conditional retirement grade in which the officer was retired will not be changed, the conditional retirement grade of the officer shall, subject to paragraph (3), be the final retired grade of the officer.

''(2) CHANGE FROM CONDITIONAL RETIREMENT GRADE.—If the resolution of an investigation or personnel action with respect to an officer who has been retired in a conditional retirement grade pursuant to subsection (d) results in a determination that the conditional retirement grade in which the officer was retired should be changed, the changed retirement grade shall be the final retired grade of the officer under this section, except that if the final retirement grade provided for an officer pursuant to this paragraph is the grade of lieutenant general or general in the Army, Air Force, or Marine Corps, vice admiral or admiral in the Navy, or an equivalent grade in the Space Force, the requirements in subsection (c) shall apply in connection with the retirement of the officer in such final retirement grade.

''(3) RECALCULATION OF RETIRED PAY.—

''(A) IN GENERAL.—If the final retired grade of an officer is as a result of a change under

paragraph (2), the retired pay of the officer under chapter 71 of this title shall be recalculated accordingly, with any modification of the retired pay of the officer to go into effect as of the date of the retirement of the officer.

''(B) PAYMENT OF HIGHER AMOUNT FOR PERIOD OF CONDITIONAL RETIREMENT GRADE.—If the recalculation of the retired pay of an officer results in an increase in retired pay, the officer shall be paid the amount by which such increased retired pay exceeded the amount of retired pay paid the officer for retirement in the officer's conditional grade during the period beginning on the date of the retirement of the officer in such conditional grade and ending on the effective date of the change of the officer's retired grade. For an officer whose retired grade is determined pursuant to subsection (c), the effective date of the change of the officer's retired grade for purposes of this subparagraph shall be the date that is 60 days after the date on which the Secretary of Defense submits to the Committees on Armed Services of the Senate and the House of Representatives the certification required by subsection (c) in connection with the retired grade of the officer.

''(C) RECOUPMENT OF OVERAGE DURING PERIOD OF CONDITIONAL RETIREMENT GRADE.—If the recalculation of the retired pay of an officer results in a decrease in retired pay, there shall be recouped from the officer the amount by which the amount of retired pay paid the officer for retirement in the officer's conditional grade exceeded such decreased retired pay during the period beginning on the date of the retirement of the officer in such conditional grade and ending on the effective date of the change of the officer's retired grade.

''(f) FINALITY OF RETIRED GRADE DETERMINATIONS.—

''(1) IN GENERAL.—Except for a conditional determination authorized by subsection (d), a determination of the retired grade of an officer pursuant to this section is administratively final on the day the officer is retired, and may not be reopened, except as provided in paragraph (2).

''(2) REOPENING.—A final determination of the retired grade of an officer may be reopened as follows:

''(A) If the retirement or retired grade of the officer was procured by fraud.

''(B) If substantial evidence comes to light after the retirement that could have led to determination of a different retired grade under this section if known by competent authority at the time of retirement.

''(C) If a mistake of law or calculation was made in the determination of the retired grade.

''(D) If the applicable Secretary determines, pursuant to regulations prescribed by the Secretary of Defense, that good cause exists to reopen the determination of retired grade.

''(3) APPLICABLE SECRETARY.—For purposes of this subsection, the applicable Secretary for purposes of a determination or action specified in this subsection is—

''(A) the Secretary of the military department concerned, in the case of an officer retired in a grade at or below the grade of major general in the Army, Air Force, or Marine Corps, rear admiral in the Navy, or the equivalent grade in the Space Force; or

''(B) the Secretary of Defense, in the case of an officer retired in a grade of lieutenant general or general in the Army, Air Force, or Marine Corps, vice admiral or admiral in the Navy, or an equivalent grade in the Space Force.

''(4) NOTICE AND LIMITATION.—If a final determination of the retired grade of an officer is reopened in accordance with paragraph (2), the applicable Secretary—

''(A) shall notify the officer of the reopening; and

''(B) may not make an adverse determination on the retired grade of the officer until the officer has had a reasonable opportunity to respond regarding the basis for the reopening of the officer's retired grade.

''(5) ADDITIONAL NOTICE ON REOPENING FOR OFFICERS RETIRED IN O–9 AND O–10 GRADES.—If the determination of the retired grade of an officer whose retired grade was provided for pursuant to subsection (c) is reopened, the Secretary of Defense shall also notify the President and the Committees on Armed Services of the Senate and the House of Representatives.

''(6) MANNER OF MAKING OF CHANGE.—If the retired grade of an officer is proposed to be changed through the reopening of the final determination of an officer's retired grade under this subsection, the change in grade shall be made—

''(A) in the case of an officer whose retired grade is to be changed to a grade at or below the grade of major general in the Army, Air Force or Marine Corps, rear admiral in the Navy, or the equivalent grade in the Space Force, in accordance with subsections (a) and (b)—

''(i) by the Secretary of Defense (who may delegate such authority only as authorized by clause (ii)); or

''(ii) if authorized by the Secretary of Defense, by the Secretary of the military department concerned (who may not further delegate such authority);

''(B) in the case of an officer whose retired grade is to be changed to the grade of lieutenant general or general in the Army, Air Force, or Marine Corps, vice admiral or admiral in the Navy, or an equivalent grade in the Space Force, by the President, by and with the advice and consent of the Senate.

''(7) RECALCULATION OF RETIRED PAY.—If the final retired grade of an officer is changed through the reopening of the officer's retired grade under this subsection, the retired pay of the officer under chapter 71 of this title shall be recalculated. Any modification of the retired pay of the officer as a result of the change shall go into effect on the effective date of the change of the officer's retired grade, and the officer shall not be entitled or subject to any changed amount of retired pay for any period before such effective date. An officer whose retired grade is changed as provided in paragraph (6)(B) shall not be entitled or subject to a change in retired pay for any period before the date on which the Senate provides advice and consent for the retirement of the officer in such grade.

''(g) HIGHEST PERMANENT GRADE DEFINED.—In this section, the term 'highest permanent grade' means a grade at or below the grade of major general in the Army, Air Force, or Marine Corps, rear admiral in the Navy, or an equivalent grade in the Space Force.

''§ 1370a. Officers entitled to retired pay for non-regular service

''(a) RETIREMENT IN HIGHEST GRADE HELD SATISFACTORILY.—Unless entitled to a different grade, or to credit for satisfactory service in a different grade under some other provision of law, a person who is entitled to retired pay under chapter 1223 of this title shall, upon application under section 12731 of this title, be credited with satisfactory service in the highest permanent grade in which that person served satisfactorily at any time in the armed forces, as determined by the Secretary of the military department concerned in accordance with this section.

''(b) SERVICE-IN-GRADE REQUIREMENT FOR OFFICERS IN GRADES BELOW O–5.—In order to be credited with satisfactory service in an officer grade (other than a warrant officer grade) below the grade of lieutenant colonel or commander (in the case of the Navy), a person covered by subsection (a) must have served satisfactorily in that grade (as determined by the Secretary of the military department concerned) as a reserve commissioned officer in an active status, or in a retired status on active duty, for not less than six months.

''(c) SERVICE-IN-GRADE REQUIREMENT FOR OFFICES IN GRADES ABOVE O–4.—

''(1) IN GENERAL.—In order to be credited with satisfactory service in an officer grade above major or lieutenant commander (in the case of the Navy), a person covered by subsection (a) must have served satisfactorily in that grade (as determined by the Secretary of the military department concerned) as a reserve commissioned officer in an active status, or in a retired status on active duty, for not less than three years.

''(2) SATISFACTION OF REQUIREMENT BY CERTAIN OFFICERS NOT COMPLETING THREE YEARS.—A person covered by paragraph (1) who has completed at least six months of satisfactory service in grade may be credited with satisfactory service in the grade in which serving at the time of transfer or discharge, notwithstanding failure of the person to complete three years of service in that grade, if the person is transferred from an active status or discharged as a reserve commissioned officer—

''(A) solely due to the requirements of a nondiscretionary provision of law requiring that transfer or discharge due to the person's age or years of service; or

''(B) because the person no longer meets the qualifications for membership in the Ready Reserve solely because of a physical disability, as determined, at a minimum, by a medical evaluation board and at the time of such transfer or discharge the person (pursuant to section 12731b of this title or otherwise) meets the service requirements established by section 12731(a) of this title for eligibility for retired pay under chapter 1223 of this title, unless the disability is described in section 12731b of this title.

''(3) REDUCTION IN SERVICE-IN-GRADE REQUIREMENTS.—

''(A) OFFICERS IN GRADES BELOW GENERAL AND FLAG OFFICER GRADES.—In the case of a person to be retired in a grade below brigadier general or rear admiral (lower half) in the Navy, the Secretary of Defense may authorize the Secretary of a military department to reduce, subject to subparagraph (B), the three-year period of service-in-grade required by paragraph (1) to a period not less than two years. The authority of the Secretary of a military department under this subparagraph may not be delegated.

''(B) LIMITATION.—The number of reserve commissioned officers of an armed force in the same grade for whom a reduction is made under subparagraph (A) during any fiscal year in the period of service-in-grade otherwise required by paragraph (1) may not exceed the number equal to 2 percent of the strength authorized for that fiscal year for reserve commissioned officers of that armed force in an active status in that grade.

''(C) OFFICERS IN GENERAL AND FLAG OFFICERS GRADES.—The Secretary of Defense may reduce the three-year period of service-in-grade required by paragraph (1) to a period not less than two years for any person, including a person who, upon transfer to the Retired Reserve or discharge, is to be credited with satisfactory service in a general or flag officer grade under that paragraph. The authority of the Secretary of Defense under this subparagraph may not be delegated.

''(D) NOTICE TO CONGRESS ON REDUCTION IN SERVICE-IN-GRADE REQUIREMENTS FOR GENERAL AND FLAG OFFICER GRADES.—In the case of a person to be credited under this section with satisfactory service in a grade that is a general or flag officer grade who is eligible to be credited with such service in that grade only by reason of an exercise of authority in subparagraph (C) to reduce the three-year service-in-grade requirement otherwise applicable under paragraph (1), the Secretary of Defense shall, not later than 60 days prior to the date on which the person will be credited with such satisfactory service in that grade, notify the Committees on Armed Services of the Senate and the House of Representatives of the exercise of authority in subparagraph (C) with respect to that person.

''(4) OFFICERS SERVING IN GRADES ABOVE O–6 INVOLUNTARILY TRANSFERRED FROM ACTIVE STATUS.—A person covered by paragraph (1) who has completed at least six months of satisfactory service in a grade above colonel or (in the case of the Navy) captain and, while serving in an active status in such grade, is involuntarily transferred (other than for cause) from active status may be credited with satisfactory service in the grade in which serving at the time of such transfer, notwithstanding failure of the person to complete three years of service in that grade.

''(5) ADJUTANTS AND ASSISTANT ADJUTANTS GENERAL.—If a person covered by paragraph (1) has completed at least six months of satisfactory service in grade, the person was serving in that grade while serving in a position of adjutant general required under section 314 of title 32 or while serving in a position of assistant adjutant general subordinate to such a position of adjutant general, and the person has failed to complete three years of service in that grade solely because the person's appointment to such position has been terminated or vacated as described in section 324(b) of such title, the person may be credited with satisfactory service in that grade, notwithstanding the failure of the person to complete three years of service in that grade.

''(6) OFFICERS RECOMMENDED FOR PROMOTION SERVING IN CERTAIN GRADE BEFORE PROMOTION.—To the extent authorized by the Secretary of the military department concerned, a person who, after having been recommended for promotion in a report of a promotion board but before being promoted to the recommended grade, served in a position for which that grade is the minimum authorized grade may be credited for purposes of paragraph (1) as having served in that grade for the period for which the person served in that position while in the next lower grade. The period credited may not include any period before the date on which the Senate provides advice and consent for the appointment of that person in the recommended grade.

''(7) OFFICERS QUALIFIED FOR FEDERAL RECOGNITION SERVING IN CERTAIN GRADE BEFORE APPOINTMENT.—To the extent authorized by the Secretary of the military department concerned, a person who, after having been found qualified for Federal recognition in a higher grade by a board under section 307 of title 32, serves in a position for which that grade is the minimum authorized grade and is appointed as a reserve officer in that grade may be credited for the purposes of paragraph (1) as having served in that grade. The period of the service for which credit is afforded under the preceding sentence may be only the period for which the person served in the position after the Senate provides advice and consent for the appointment.

''(8) RETIREMENT IN NEXT LOWEST GRADE FOR OFFICERS NOT MEETING SERVICE-IN-GRADE REQUIREMENTS.—A person whose length of service in the highest grade held does not meet the service-in-grade requirements specified in this subsection shall be credited with satisfactory service in the next lower grade in which that person served satisfactorily (as determined by the Secretary of the military department concerned) for not less than six months.

''(d) OFFICERS IN O–9 AND O–10 GRADES.—

''(1) IN GENERAL.—A person covered by this section in the Army, Navy, Air Force, or Marine Corps who is serving or has served in a position of importance and responsibility designated by the President to carry the grade of lieutenant general or general in the Army, Air Force, or Marine Corps, or vice admiral or admiral in the Navy under section 601 of this title may be retired in such grade under subsection (a) only after the Secretary of Defense certifies in writing to the President and the Committees on Armed Services of the Senate and the House of Representatives that the officer served satisfactorily in such grade.

''(2) PROHIBITION ON DELEGATION.—The authority of the Secretary of Defense to make a certification with respect to an officer under paragraph (1) may not be delegated.

''(3) REQUIREMENTS IN CONNECTION WITH CERTIFICATION.—A certification with respect to an officer under paragraph (1) shall—

''(A) be submitted by the Secretary of Defense such that it is received by the President and the Committees on Armed Services of the Senate and the House of Representatives not later than 60 days prior to the date on which the officer will be retired in the grade concerned;

''(B) include an up-to-date copy of the military biography of the officer; and

''(C) include the statement of the Secretary as to whether or not potentially adverse, adverse, or reportable information regarding the officer was considered by the Secretary in making the certification.

''(4) CONSTRUCTION WITH OTHER NOTICE.—In the case of an officer under paragraph (1) who is eligible to be credited with service in a grade only by reason of the exercise of the authority in subsection (c)(3)(C) to reduce the three-year service-in-grade requirement under subsection (c)(1), the requirement for notification under subsection (c)(3)(D) is satisfied if the notification is included in the certification submitted by the Secretary of Defense under paragraph (1).

''(e) CONDITIONAL RETIREMENT GRADE AND RETIREMENT FOR OFFICERS UNDER INVESTIGATION FOR MISCONDUCT OR PENDING ADVERSE PERSONNEL ACTION.—The retirement grade, and retirement, of a person covered by this section who is under investigation for alleged misconduct or pending the disposition of an adverse personnel action at the time of retirement is as provided for by section 1370(d) of this title. In the application of such section 1370(d) for purposes of this subsection, any reference 'active duty' shall be deemed not to apply, and any reference to a provision of section 1370 of this title shall be deemed to be a reference to the analogous provision of this section.

''(f) FINAL RETIREMENT GRADE FOLLOWING RESOLUTION OF PENDING INVESTIGATION OR ADVERSE ACTION.—The final retirement grade under this section of a person described in subsection (e) following resolution of the investigation or personnel action concerned is the final retirement grade provided for by section 1370(e) of this title. In the application of such section 1370(e) for purposes of this subsection, any reference to a provision of section 1370 of this title shall be deemed to be a reference to the analogous provision of this section. In the application of paragraph (3) of such section 1370e(e) for purposes of this subsection, the reference to 'chapter 71' of this title shall be deemed to be a reference to 'chapter 1223 of this title'.

''(g) FINALITY OF RETIRED GRADE DETERMINATIONS.—

''(1) IN GENERAL.—Except for a conditional determination authorized by subsection (e), a determination of the retired grade of a person pursuant to this section is administratively final on the day the person is retired, and may not be reopened.

''(2) REOPENING.—A determination of the retired grade of a person may be reopened in accordance with applicable provisions of section 1370(f) of this title. In the application of such section 1370(f) for purposes of this subsection, any reference to a provision of section 1370 of this title shall be deemed to be a reference to the analogous provision of this section. In the application of paragraph (7) of such section 1370(f) for purposes of this paragraph, the reference to 'chapter 71 of this title' shall be deemed to be a reference to 'chapter 1223 of this title'.

''(h) HIGHEST PERMANENT GRADE DEFINED.—In this section, the term 'highest permanent grade' means a grade at or below the grade of major general in the Army, Air Force, or Marine Corps or rear admiral in the Navy.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 69 of title 10, United States Code, is amended by striking the item relating to section 1370 and inserting the following new items:

''1370. Regular commissioned officers.
''1370a. Officers entitled to retired pay for non-regular service.''.

(b) CONFORMING AND TECHNICAL AMENDMENTS TO RETIRED GRADE RULES FOR THE ARMED FORCES.—

(1) RETIRED PAY.—Title 10, United States Code, is amended as follows:

(A) In section 1406(b)(2), by striking ''section 1370(d)'' and inserting ''section 1370a''.

(B) In section 1407(f)(2)(B), by striking ''by reason of denial of a determination or certification under section 1370'' and inserting ''pursuant to section 1370 or 1370a''.

(2) ARMY.—Section 7341 of such title is amended—

(A) by striking subsection (a) and inserting the following new subsection (a):

''(a)(1) The retired grade of a regular commissioned officer of the Army who retires other than for physical disability is determined under section 1370 of this title.

''(2) The retired grade of a reserve commissioned officer of the Army who retires other than for physical disability is determined under section 1370a of this title.''; and

(B) in subsection (b)—

(i) by striking ''he'' and inserting ''the member''; and

(ii) by striking ''his'' and inserting ''the member's''.

(3) NAVY AND MARINE CORPS.—Such title is further amended as follows:

(A) In section 8262(a), by striking ''sections 689 and 1370'' and inserting ''section 689, and section 1370 or 1370a (as applicable),''.

(B) In section 8323(c), by striking ''section 1370 of this title'' and inserting ''section 1370 or 1370a of this title, as applicable''.

(4) AIR FORCE AND SPACE FORCE.—Section 9341 of such title is amended—

(A) by striking subsection (a) and inserting the following new subsection (a):

''(a)(1) The retired grade of a regular commissioned officer of the Air Force or the Space Force who retires other than for physical disability is determined under section 1370 of this title.

''(2) The retired grade of a reserve commissioned officer of the Air Force or the Space Force who retires other than for physical disability is determined under section 1370a of this title.''; and

(B) in subsection (b)—

(i) by inserting ''or a Regular or Reserve of the Space Force'' after ''Air Force'';

(ii) by striking ''he'' and inserting ''the member''; and

(iii) by striking ''his'' and inserting ''the member's''.

(5) RESERVE OFFICERS.—Section 12771 of such title is amended—

(A) in subsection (a), by striking ''section 1370(d)'' and inserting ''section 1370a of this title''; and

(B) in subsection (b)(1), by striking ''section 1370(d)'' and inserting ''section 1370a''.

(c) OTHER REFERENCES.—In the determination of the retired grade of a commissioned officer of the Armed Forces entitled to retired pay under chapter 1223 of title 10, United States Code, who retires after the date of the enactment of this Act, any reference in a provision of law or regulation to section 1370 of title 10, United States Code, in such determination with respect to such officer shall be deemed to be a reference to section 1370a of title 10, United States Code (as amended by subsection (a)).

SEC. 508. REPEAL OF AUTHORITY FOR ORIGINAL APPOINTMENT OF REGULAR NAVY OFFICERS DESIGNATED FOR ENGINEERING DUTY, AERONAUTICAL ENGINEERING DUTY, AND SPECIAL DUTY.

(a) REPEAL.—Section 8137 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 815 of such title is amended by striking the item relating to section 8137.

Subtitle B—Reserve Component Management

SEC. 511. EXCLUSION OF CERTAIN RESERVE GENERAL AND FLAG OFFICERS ON ACTIVE DUTY FROM LIMITATIONS ON AUTHORIZED STRENGTHS.

(a) DUTY FOR CERTAIN RESERVE OFFICERS UNDER JOINT DUTY LIMITED EXCLUSION.—Subsection (b) of section 526a of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3) DUTY FOR CERTAIN RESERVE OFFICERS.—Of the officers designated pursuant to paragraph (1), the Chairman of the Joint Chiefs of Staff may designate up to 15 general and flag officer positions in the unified and specified combatant commands, and up to three general and flag officer positions on the Joint Staff, as positions to be held only by reserve officers who are in a general or flag officer grade below lieutenant general or vice admiral. Each position so designated shall be considered to be a joint duty assignment position for purposes of chapter 38 of this title.''.

(b) RESERVE OFFICERS ON ACTIVE DUTY FOR TRAINING OR FOR LESS THAN 180 DAYS.—Such section is further amended—

(1) by redesignating subsections (c) through (h) as subsections (d) through (i), respectively; and

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

''(c) RESERVE OFFICERS ON ACTIVE DUTY FOR TRAINING OR FOR LESS THAN 180 DAYS.—The limitations of this section do not apply to a reserve general or flag officer who—

''(1) is on active duty for training; or

''(2) is on active duty under a call or order specifying a period of less than 180 days.''.

Subtitle C—General Service Authorities

SEC. 516. INCREASED ACCESS TO POTENTIAL RECRUITS.

(a) SECONDARY SCHOOLS.—Section 503(c)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking ''and'' at the end;

(B) in clause (ii), by striking ''and telephone listings,'' and all that follows through the period at the end and inserting ''electronic mail addresses, home telephone numbers, and mobile telephone numbers, notwithstanding subsection (a)(5)(B) or (b) of section 444 of the General Education Provisions Act (20 U.S.C. 1232g); and''; and

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

''(iii) shall provide information requested pursuant to clause (ii) within a reasonable period of time, but in no event later than 60 days after the date of the request.''; and

(2) in subparagraph (B), by striking ''and telephone listing'' and inserting ''electronic mail address, home telephone number, or mobile telephone number''.

(b) INSTITUTIONS OF HIGHER EDUCATION.—Section 983(b) of such title is amended—

(1) in paragraph (1), by striking ''or'' at the end;

(2) in paragraph (2)—

(A) in subparagraph (A), by striking ''and telephone listings'' and inserting ''electronic mail addresses, home telephone numbers, and mobile telephone numbers, which information shall be made available not later than 60 days after the start of classes for the current semester or not later than 60 days after the date of a request, whichever is later''; and

(B) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

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

''(3) access by military recruiters for purposes of military recruiting to lists of students (who are 17 years of age or older) not returning to the institution after having been enrolled during the previous semester, together with student recruiting information and the reason why the student did not return, if collected by the institution.''.

SEC. 517. TEMPORARY AUTHORITY TO ORDER RETIRED MEMBERS TO ACTIVE DUTY IN HIGH-DEMAND, LOW-DENSITY ASSIGNMENTS DURING WAR OR NATIONAL EMERGENCY.

Section 688a of title 10, United States Code, is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following new subsection (g):

''(g) EXCEPTIONS DURING PERIODS OF WAR OR NATIONAL EMERGENCY.—The limitations in subsections (c) and (f) shall not apply during a time of war or of national emergency declared by Congress or the President.''.

SEC. 518. CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY (DD FORM 214) MATTERS.

(a) REDESIGNATION AS CERTIFICATE OF MILITARY SERVICE.—

(1) IN GENERAL.—Department of Defense Form DD 214, the Certificate of Release or Discharge from Active Duty, is hereby redesignated as the Certificate of Military Service.

(2) CONFORMING AMENDMENT.—Section 1168(a) of title 10, United States Code, is amended by striking ''discharge certificate or certificate of release from active duty, respectively,'' and inserting ''Certificate of Military Serve''.

(3) REFERENCES.—Any reference in a law, regulation, document, paper, or other record of the United States to Department of Defense Form DD 214, the Certificate of Release or Discharge from Active Duty, shall be deemed to be a reference to the Certificate of Military Service.

(4) TECHNICAL AMENDMENTS.—Such section 1168(a) is further amended—

(A) by striking ''until his'' and inserting ''until the member's'';

(B) by striking ''his final pay'' and inserting ''the member's final pay''; and

(C) by striking ''him or his next of kin'' and inserting ''the member or the member's next of kin''.

(5) EFFECTIVE DATES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), this subsection and the amendments made by this subsection shall take effect on the date provided for in subsection (d) of section 569 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), as redesignated by subsection (b)(1)(B) of this section.

(B) TECHNICAL AMENDMENTS.—The amendments made by paragraph (4) of this subsection shall take effect on the date of the enactment of this Act.

(b) ADDITIONAL REQUIREMENTS.—

(1) IN GENERAL.—Section 569 of the National Defense Authorization Act for Fiscal Year 2020 is amended—

(A) in subsection (a)—

(i) by redesignating paragraphs (1) and (2) as paragraphs (2) and (4), respectively;

(ii) by inserting before paragraph (2), as redesignated by clause (i), the following new paragraph (1);

''(1) redesignate such form as the Certificate of Military Service;''.

(iii) in paragraph (2), as so redesignated, by striking ''and'' at the end; and

(iv) by inserting after paragraph (2), as so redesignated, the following new paragraph:

''(3) provide for a standard total force record of military service for all members of the Armed Forces, including member of the reserve components, that summarizes the record of service for each member; and'';

(B) by redesignating subsections (b) and (c) as subsections (d) and (e), respectively;

(C) by inserting after subsection (a) the following new subsections:

''(b) ISSUANCE TO RESERVES.—The Secretary of Defense shall provide for the issuance of the Certificate of Military Service, as modified pursuant to subsection (a), to members of the reserve components of the Armed Forces at such times during their military service as is appropriate to facilitate their access to benefits under the laws administered by the Secretary of Veterans Affairs.

''(c) COORDINATION.—In carrying out this section, the Secretary of Defense shall coordinate with the Secretary of Veterans Affairs to ensure that the Certificate of Military Service, as modified pursuant to subsection (a), is recognized as the Certificate of Military Service referred to in section 1168(a) of title 10, United States Code, and for the purposes of establishing eligibility for applicable benefits under the laws administered by the Secretary of Veterans Affairs.''; and

(D) in subsection (d), as redesignated by subparagraph (B), by striking ''a revised Certificate of Release or Discharge from Active Duty (DD Form 214), modified'' and inserting ''the Certificate of Military Service, as modified''.

(2) CONFORMING AMENDMENT.—The heading of such section 569 is amended to read as follows:

''SEC. 569. CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY (DD FORM 214) MATTERS.''.

(3) REPEAL OF SUPERSEDED REQUIREMENTS.—Section 570 of the National Defense Authorization Act for Fiscal Year 2020 is repealed.

SEC. 519. EVALUATION OF BARRIERS TO MINORITY PARTICIPATION IN CERTAIN UNITS OF THE ARMED FORCES.

(a) FINDINGS.—Congress makes the following findings:

(1) In 1999, the RAND Corporation issued a report entitled ''Barriers to Minority Participation in Special Operations Forces'' that was sponsored by United States Special Operations Command.

(2) In 2018, the RAND Corporation issued a report entitles ''Understanding Demographic Differences in Undergraduate Pilot Training Attrition'' that was sponsored by the Air Force.

(3) No significant independent study has been performed by a federally funded research and development center into increasing minority participation in the special operations forces since 1999.

(b) STUDY REQUIRED.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall, acting through the Under Secretary of Defense for Personnel and Readiness, seek to enter into an agreement with a federally funded research and development center.

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

(A) A description of the racial, ethnic, and gender composition of covered units.

(B) A comparison of the participation rates of minority populations in covered units to participation rates of the general population as members and as officers of the Armed Forces.

(C) A comparison of the percentage of minority officers in the grade of O–7 or higher who have served in each covered unit to such percentage for all such officers in the Armed Force of that covered unit.

(D) An identification of barriers to minority participation in the accession, assessment, and training processes.

(E) The status and effectiveness of the response to the recommendations contained in the report referred to in subsection (a)(1) and any follow-up recommendations.

(F) Recommendations to increase the numbers of minority officers in the Armed Forces.

(G) Recommendations to increase minority participation in covered units.

(H) Any other matters the Secretary determines appropriate.

(3) REPORT TO CONGRESS.—The Secretary shall—

(A) submit to the congressional defense committees a report on the results of the study by not later than January 1, 2022; and

(B) provide interim briefings to such committees upon request.

(c) DESIGNATION.—The study conducted under subsection (b) shall be known as the ''Study on Reducing Barriers to Minority Participation in Elite Units in the Armed Services''.

(d) IMPLEMENTATION PLAN.—The Secretary shall submit to the congressional defense committees a report setting forth an implementation plan for the recommendations that the Secretary implements under this section, including—

(1) the response of the Secretary to each such recommendation;

(2) a summary of actions the Secretary has carried out, or intends to carry out, to implement such recommendations, as appropriate; and

(3) a schedule, with specific milestones, for completing the implementation of such recommendations.

(e) COVERED UNITS DEFINED.—In this section, the term ''covered units'' means the following:

(1) Any forces designated by the Secretary as special operations forces.

(2) Air Force Combat Control Teams.

(3) Air Force Pararescue.

(4) Marine Corps Force Reconnaissance.

(5) Coast Guard Deployable Operations Group.

(6) Pilot and navigator military occupational specialties.

Subtitle D—Military Justice and Related Matters

PART I—INVESTIGATION, PROSECUTION, AND DEFENSE OF SEXUAL ASSAULT AND RELATED MATTERS

SEC. 521. MODIFICATION OF TIME REQUIRED FOR EXPEDITED DECISIONS IN CONNECTION WITH APPLICATIONS FOR CHANGE OF STATION OR UNIT TRANSFER OF MEMBERS WHO ARE VICTIMS OF SEXUAL ASSAULT OR RELATED OFFENSES.

(a) IN GENERAL.—Section 673(b) of title 10, United States Code, is amended by striking ''72 hours'' both places it appears and inserting ''five calendar days''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply to decisions on applications for permanent change of station or unit transfer made under section 673 of title 10, United States Code, on or after that date.

SEC. 522. DEFENSE ADVISORY COMMITTEE FOR THE PREVENTION OF SEXUAL MISCONDUCT.

Section 550B of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended—

(1) in subsection (c)(1)(B), by inserting '', including the United States Coast Guard Academy,'' after ''academy'';

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

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

''(d) ADVISORY DUTIES ON COAST GUARD ACADEMY.—In providing advice under subsection (c)(1)(B), the Advisory Committee shall also advise the Secretary of the Department in which the Coast Guard is operating in accordance with this section on policies, programs, and practices of the United States Coast Guard Academy.''; and

(4) in subsection (e) and paragraph (2) of subsection (g), as redesignated by paragraph (2) of this section, by striking ''the Committees on Armed Services of the Senate and the House of Representatives'' each place it appears and inserting ''the Committees on Armed Services and Commerce, Science, and Transportation of the Senate and the Committees on Armed Services and Transportation and Infrastructure of the House of Representatives''.

SEC. 523. REPORT ON ABILITY OF SEXUAL ASSAULT RESPONSE COORDINATORS AND SEXUAL ASSAULT PREVENTION AND RESPONSE VICTIM ADVOCATES TO PERFORM DUTIES.

(a) SURVEY.—

(1) IN GENERAL.—Not later than June 30, 2021, the Secretary of Defense shall conduct a survey regarding the ability of Sexual Assault Response Coordinators and Sexual Assault Prevention and Response Victim Advocates to perform their duties.

(2) ELEMENTS.—The survey required under paragraph (1) shall assess—

(A) the current state of support provided to Sexual Assault Response Coordinators and Sexual Assault Prevention and Response Victim Advocates, including—

(i) perceived professional or other reprisal or retaliation; and

(ii) access to sufficient physical and mental health services as a result of the nature of their work;

(B) the ability of Sexual Assault Response Coordinators and Sexual Assault Prevention and Response Victim Advocates to contact and access their installation commander or unit commander;

(C) the ability of Sexual Assault Response Coordinators and Sexual Assault Prevention and Response Victim Advocates to contact and access the immediate commander of victims and alleged offenders;

(D) the responsiveness and receptiveness of commanders to the Sexual Assault Response Coordinators;

(E) the support and services provided to victims of sexual assault;

(F) the understanding of others of the process and their willingness to assist;

(G) the adequacy of the training received by Sexual Assault Response Coordinators and Sexual Assault Prevention and Response Victim Advocates to effectively perform their duties; and

(H) any other factors affecting the ability of Sexual Assault Response Coordinators and Sexual Assault Prevention and Response Victim Advocates to perform their duties.

(b) REPORT.—Upon completion of the survey required under subsection (a), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the survey and any actions to be taken as a result of the survey.

SEC. 524. BRIEFING ON SPECIAL VICTIMS' COUNSEL PROGRAM.

(a) BRIEFING REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Judge Advocates General of the Army, the Navy, the Air Force, and the Coast Guard, and the Staff Judge Advocate to the Commandant of the Marine Corps shall each provide to the congressional defense committees a briefing on the status of the Special Victims' Counsel program of the Armed Force concerned.

(b) ELEMENTS.—Each briefing under subsection (a) shall include, with respect to the Special Victims Counsel program of the Armed Force concerned, the following:

(1) An assessment of whether the Armed Force is in compliance with the provisions of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) relating to the Special Victims Counsel program and, if not, what steps have been taken to achieve compliance with such provisions.

(2) An estimate of the average caseload of each Special Victims' Counsel.

(3) A description of any staffing shortfalls in the Special Victims' Counsel program or other programs of the Armed Force resulting from the additional responsibilities required of the Special Victims' Counsel program under the National Defense Authorization Act for Fiscal Year 2020.

(4) An explanation of the ability of Special Victims' Counsel to adhere to requirement that a counsel respond to a request for services within 72 hours of receiving such request.

(5) An assessment of the feasibility of providing cross-service Special Victims' Counsel representation in instances where a Special Victims' Counsel from a different Armed Force is co-located with a victim at a remote base.

SEC. 525. ACCOUNTABILITY OF LEADERSHIP OF THE DEPARTMENT OF DEFENSE FOR DISCHARGING THE SEXUAL HARASSMENT POLICIES AND PROGRAMS OF THE DEPARTMENT.

(a) STRATEGY ON HOLDING LEADERSHIP ACCOUNTABLE REQUIRED.—The Secretary of Defense shall develop and implement Department of Defense-wide a strategy to hold individuals in positions of leadership in the Department (including members of the Armed Forces and civilians) accountable for the promotion, support, and enforcement of the policies and programs of the Department on sexual harassment.

(b) OVERSIGHT FRAMEWORK.—

(1) IN GENERAL.—The strategy required by subsection (a) shall provide for an oversight framework for the efforts of the Department of Defense to promote, support, and enforce the policies and programs of the Department on sexual harassment.

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

(A) Long-term goals, objectives, and milestones in connection with the policies and programs of the Department on sexual harassment.

(B) Strategies to achieve the goals, objectives, and milestones referred to in subparagraph (A).

(C) Criteria for assessing progress toward the achievement of the goals, objectives, and milestones referred to in subparagraph (A).

(D) Criteria for assessing the effectiveness of the policies and programs of the Department on sexual harassment.

(E) Mechanisms to ensure that adequate resources are available to the Office to develop and discharge the oversight framework.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the actions taken to carry out this section, including the strategy developed and implemented pursuant to subsection, and the oversight framework developed and implemented pursuant to subsection (b).

SEC. 526. SAFE-TO-REPORT POLICY APPLICABLE ACROSS THE ARMED FORCES.

(a) IN GENERAL.—The Secretary of Defense shall, in consultation with the Secretaries of the military departments, prescribe in regulations a safe-to-report policy described in subsection (b) that applies with respect to all members of the Armed Forces (including members of the reserve components of the Armed Forces) and cadets and midshipmen at the military service academies.

(b) SAFE-TO-REPORT POLICY.—The safe-to-report policy described in this subsection is a policy that prescribes the handling of minor collateral misconduct involving a member of the Armed Forces who is the alleged victim of sexual assault.

(c) 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.

(d) TRACKING OF COLLATERAL MISCONDUCT INCIDENTS.—In conjunction with the issuance of regulations under subsection (a), Secretary shall develop and implement a process to track incidents of minor collateral misconduct that are subject to the safe-to-report policy.

(e) DEFINITIONS.—In this section:

(1) The term ''Armed Forces'' has the meaning given that term in section 101(a)(4) of title 10, United States Code, except such term does not include the Coast Guard.

(2) The term ''military service academy'' means the following:

(A) The United States Military Academy.

(B) The United States Naval Academy.

(C) The United States Air Force Academy.

(3) The term ''minor collateral misconduct'' means any minor misconduct that is potentially punishable under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), that—

(A) is committed close in time to or during the sexual assault, and directly related to the incident that formed the basis of the sexual assault allegation;

(B) is discovered as a direct result of the report of sexual assault or the ensuing investigation into the sexual assault; and

(C) does not involve aggravating circumstances (as specified in the regulations prescribed under subsection (c)) that increase the gravity of the minor misconduct or its impact on good order and discipline.

SEC. 527. ADDITIONAL BASES FOR PROVISION OF ADVICE BY THE DEFENSE ADVISORY COMMITTEE FOR THE PREVENTION OF SEXUAL MISCONDUCT.

Section 550B(c)(2) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended—

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

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

''(C) Efforts among private employers to prevent sexual assault and sexual harassment among their employees.

''(D) Evidence-based studies on the prevention of sexual assault and sexual harassment in the Armed Forces, institutions of higher education, and the private sector.''.

SEC. 528. ADDITIONAL MATTERS FOR REPORTS OF THE DEFENSE ADVISORY COMMITTEE FOR THE PREVENTION OF SEXUAL MISCONDUCT.

Section 550B(d) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended by adding at the end the following: ''The report shall include the following:

''(1) A description and assessment of the extent and effectiveness of the inclusion by the Armed Forces of sexual assault prevention and response training in leader professional military education (PME), especially in such education for personnel in junior noncommissioned officer grades.

''(2) An assessment of the feasibility of—

''(A) the screening of recruits before entry into military service for prior incidents of sexual assault and harassment, including through background checks; and

''(B) the administration of screening tests to recruits to assess recruit views and beliefs on equal opportunity, and whether such views and beliefs are compatible with military service.

''(3) An assessment of the feasibility of conducting exit interviews of members of the Armed Forces upon their discharge release from the Armed Forces in order to determine whether they experienced or witnessed sexual assault or harassment during military service and did not report it, and an assessment of the feasibility of combining such exit interviews with the Catch a Serial Offender (CATCH) Program of the Department of Defense.

''(4) An assessment whether the sexual assault reporting databases of the Department are sufficiently anonymized to ensure privacy while still providing military leaders with the information as follows:

''(A) The approximate length of time the victim and the assailant had been at the duty station at which the sexual assault occurred.

''(B) The percentage of sexual assaults occurring while the victim or assailant were on temporary duty, leave, or otherwise away from their permanent duty station.

''(C) The number of sexual assaults that involve an abuse of power by a commander or supervisor.''.

SEC. 529. POLICY ON SEPARATION OF VICTIM AND ACCUSED AT MILITARY SERVICE ACADEMIES AND DEGREE-GRANTING MILITARY EDUCATIONAL INSTITUTIONS.

(a) IN GENERAL.—The Secretary of Defense shall, in consultation with the Secretaries of the military departments, the Superintendent of each military service academy, and the head of each degree-granting military educational institution, prescribe in regulations a policy under which association between a cadet or midshipman of a military service academy, or a member of the Armed Forces enrolled in a degree-granting military educational institution, who is the alleged victim of a sexual assault and the accused is minimized while both parties complete their course of study at the academy or institution concerned.

(b) ELEMENTS.—The Secretary of Defense shall ensure that the policy developed under subsection (a)—

(1) is fair to the both the alleged victim and the accused;

(2) provides for the confidentiality of the parties involved;

(3) provide that notice of the policy, including the elements of the policy and the right to opt out of coverage by the policy, is provided to the alleged victim upon the making of an allegation of a sexual assault covered by the policy; and

(4) provide an alleged victim the right to opt out of coverage by the policy in connection with such sexual assault.

(c) MILITARY SERVICE ACADEMY DEFINED.—The term ''military service academy'' means the following:

(1) The United States Military Academy.

(2) The United States Naval Academy.

(3) The United States Air Force Academy.

(4) The United States Coast Guard Academy.

SEC. 530. BRIEFING ON PLACEMENT OF MEMBERS OF THE ARMED FORCES IN ACADEMIC STATUS WHO ARE VICTIMS OF SEXUAL ASSAULT ONTO NON-RATED PERIODS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall brief the Committees on Armed Services of the Senate and the House of Representatives on the feasibility and advisability, and current practice (if any), of the Department of Defense of granting requests by members of the Armed Forces who are in academic status (whether at the military service academies or in developmental education programs) and who are victims of sexual assault to be placed on a Non-Rated Period for their performance report.

PART II—OTHER MILITARY JUSTICE MATTERS

SEC. 531. RIGHT TO NOTICE OF VICTIMS OF OFFENSES UNDER THE UNIFORM CODE OF MILITARY JUSTICE REGARDING CERTAIN POST-TRIAL MOTIONS, FILINGS, AND HEARINGS.

Section 806b(a)(2) of title 10, United States Code (article 6b(a)(2)) of the Uniform Code of Military Justice), is amended—

(1) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(2) by inserting after subparagraph (C) the following new subparagraph (D):

''(D) A post-trial motion, filing, or hearing that may address the finding or sentence of a court-martial with respect to the accused, unseal privileged or private information of the victim, or result in the release of the accused.''.

SEC. 532. CONSIDERATION OF THE EVIDENCE BY COURTS OF CRIMINAL APPEALS.

(a) IN GENERAL.—Section 866 of title 10, United States Code (article 66 of the Uniform Code of Military Justice), is amended—

(1) by redesignating subsections (e) through (j) as subsections (f) through (k), respectively; and

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

''(e) CONSIDERATION OF THE EVIDENCE.—

''(1) IN GENERAL.—In an appeal of a finding of guilty under subsection (b), the Court of Criminal Appeals, upon request of the accused, may consider the weight of the evidence upon a specific showing by the accused of deficiencies in proof. The Court may set aside and dismiss a finding if clearly convinced that the finding was against the weight of the evidence. The Court may affirm a lesser finding. A rehearing may not be ordered.

''(2) DEFERENCE IN CONSIDERATION.—When considering a case under subsection (b), the Court may weigh the evidence and determine controverted questions of fact, subject to—

''(A) appropriate deference to the fact that the court-martial saw and heard the witnesses and other evidence; and

''(B) appropriate deference to findings of fact entered into the record by the military judge.''.

(b) ADDITIONAL QUALIFICATIONS OF APPELLATE MILITARY JUDGES.—Subsection (a) of such section (article) is amended—

(1) by inserting ''(1)'' before ''Each judge''; and

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

''(2)(A) In addition to any other qualifications specified in paragraph (1), any commissioned officer assigned as an appellate military judge to a Court of Criminal Appeals shall have not fewer than 12 years of experience in military justice assignments before such assignment, and any civilian so assigned shall have not fewer than 12 years as a judge or criminal trial attorney before such assignment.

''(B) A Judge Advocate General may waive the requirement in subparagraph (A) in connection with the assignment of an officer or civilian as an appellate military judge of a Court of Criminal Appeals if the Judge Advocate General determines that compliance with the requirement in the assignment of appellate military judges to a Court of Criminal Appeals will impair the ability of the Court to hear and decide appeals in a timely manner.

''(C) Not later than 120 days after waiving the requirement in subparagraph (A) pursuant to subparagraph (B), the Judge Advocate General shall notify the congressional defense committees of the waiver, and include with the notice an explanation for the shortage of appellate military judges and a plan for addressing such shortage.''.

(c) REVIEW BY FULL COURT OF FINDING OF CONVICTION AGAINST WEIGHT OF EVIDENCE.—Subsection (e) of such section (article), as amended by subsection (a) of this section, is further is amended by adding at the end the following new paragraph:

''(3) REVIEW BY FULL COURT OF FINDING OF CONVICTION AGAINST WEIGHT OF EVIDENCE.—Any determination by the Court that a finding was clearly against the weight of the evidence under paragraph (1) shall be reviewed by the Court sitting as a whole.''.

SEC. 533. PRESERVATION OF RECORDS OF THE MILITARY JUSTICE SYSTEM.

Section 940a of title 10, United States Code (article 140a of the Uniform Code of Military Justice), is amended by adding at the end the following new subsection:

''(d) PRESERVATION OF RECORDS WITHOUT REGARD TO OUTCOME.—The standards and criteria prescribed established by the Secretary of Defense under subsection (a) shall provide for the preservation of records, without regard to the outcome of the proceeding concerned, for not fewer than 15 years.''.

SEC. 534. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON IMPLEMENTATION BY THE ARMED FORCES OF RECENT GAO RECOMMENDATIONS AND STATUTORY REQUIREMENTS ON ASSESSMENT OF RACIAL, ETHNIC, AND GENDER DISPARITIES IN THE MILITARY JUSTICE SYSTEM.

(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 the following:

(1) The recommendations in the May 2019 report of the General Accountability Office entitled ''Military Justice: DOD and the Coast Guard Need to Improve Their Capabilities to Assess Racial and Gender Disparities'' (GAO–19–344).

(2) Requirements in section 540I(b) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), relating to assessments covered by such recommendations.

(b) ELEMENTS.—The report required by subsection (a) shall include, for each recommendation and requirement specified in that subsection, the following:

(1) A description of the actions taken or planned by the Department of Defense, the military department concerned, or the Armed Force concerned to implement such recommendation or requirement.

(2) An assessment of the extent to which the actions taken to implement such recommendation or requirement, as described pursuant to paragraph (1), are effective or meet the intended objective.

(3) Any other matters in connection with such recommendation or requirement, and the implementation of such recommendation or requirement by the Armed Forces, that the Comptroller General considers appropriate.

(c) BRIEFINGS.—Not later than May 1, 2021, the Comptroller General shall provide the committees referred to in subsection (a) one or more briefings on the status of the study required by that subsection, including any preliminary findings and recommendations of the Comptroller General as a result of the study as of the date of such briefing.

SEC. 535. BRIEFING ON MENTAL HEALTH SUPPORT FOR VICARIOUS TRAUMA FOR CERTAIN PERSONNEL IN THE MILITARY JUSTICE SYSTEM.

(a) BRIEFING REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Judge Advocates General of the Army, the Navy, and the Air Force and the Staff Judge Advocate to the Commandant of the Marine Corps shall jointly brief the Committees on Armed Services of the Senate and the House of Representatives on the mental health support for vicarious trauma provided to personnel in the military justice system specified in subsection (b).

(b) PERSONNEL.—The personnel specified in this subsection are the following:

(1) Trial counsel.

(2) Defense counsel.

(3) Special Victims' Counsel.

(4) Military investigative personnel.

(c) ELEMENTS.—The briefing required by subsection (a) shall include the following:

(1) A description and assessment of the mental health support for vicarious trauma provided to personnel in the military justice system specified in subsection (b), including a description of the support services available and the support services being used.

(2) A description and assessment of mechanisms to eliminate or reduce stigma in the pursuit by such personnel of such mental health support.

(3) An assessment of the feasibility and advisability of providing such personnel with breaks between assignments or cases as part of such mental health support in order to reduce the effects of vicarious trauma.

(4) A description and assessment of the extent, if any, to which duty of such personnel on particular types of cases, or in particular caseloads, contributes to vicarious trauma, and of the extent, if any, to which duty on such cases or caseloads has an effect on retention of such personnel in the Armed Forces.

(5) A description of the extent, if any, to which such personnel are screened or otherwise assessed for vicarious trauma before discharge or release from the Armed Forces.

(6) Such other matters in connection with the provision of mental health support for vicarious trauma to such personnel as the Judge Advocates General and the Staff Judge Advocate jointly consider appropriate.

SEC. 536. GUARDIAN AD LITEM PROGRAM FOR MINOR DEPENDENTS OF MEMBERS OF THE ARMED FORCES.

Section 540L(b)(1) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1373) is amended by adding before the period at the end the following: '', including an assessment of the feasibility and advisability of establishing a guardian ad litem program for military dependents living outside the United States''.

Subtitle E—Member Education, Training, Transition, and Resilience

SEC. 541. TRAINING ON RELIGIOUS ACCOMMODATION FOR MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—As recommended on page 149 of the Report of the Committee on Armed Services of the Senate to Accompany S. 1519 (115th Congress) (Senate Report 115–125), the Secretary of Defense shall develop and implement training on Federal statutes, Department of Defense instructions, and the regulations of each Armed Force regarding religious liberty and accommodation for members of the Armed Forces, including the responsibility of commanders to maintain good order and discipline.

(b) CONSULTATION.—The Secretary develop and implement the training required by subsection (a) in consultation with the following:

(1) The General Counsel of the Department of Defense.

(2) The Judge Advocate General of the Army, the Judge Advocate General of the Navy, and the Judge Advocate General of the Air Force.

(3) The Chief of Chaplains of the Army, the Chief of Chaplains of the Navy, and the Chief of Chaplains of the Air Force.

(c) CONTENTS.—The content of the training shall be consistent with and include coverage of each of the following:

(1) The Religious Freedom Restoration Act of 1993 (42 U.S.C. 2000bb et seq.).

(2) Section 533 of the National Defense Authorization Act for Fiscal Year 2013 (10 U.S.C. prec. 1030 note).

(3) Section 528 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 814).

(d) IMPLEMENTATION.—

(1) RECIPIENTS.—The recipients of training developed under subsection (a) shall include the following at all levels of command:

(A) Commanders

(B) Chaplains.

(C) Judge advocates.

(D) Such other members of the Armed Forces as the Secretary considers appropriate.

(2) COMMENCEMENT.—The provision of training developed under subsection (a) shall commence not later than one year after the date of the enactment of this Act.

SEC. 542. ADDITIONAL ELEMENTS WITH 2021 CERTIFICATIONS ON THE READY, RELEVANT LEARNING INITIATIVE OF THE NAVY.

(a) ADDITIONAL ELEMENTS.—In submitting to Congress in 2021 the certifications required by section 545 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1396; 10 U.S.C. 8431 note prec.), relating to the Ready, Relevant Learning initiative of the Navy, the Secretary of the Navy shall also submit each of the following:

(1) A life cycle sustainment plan for the Ready, Relevant Learning initiative meeting the requirements in subsection (b).

(2) A report on the use of readiness assessment teams in training addressing the elements specified in subsection (c).

(b) LIFE CYCLE SUSTAINMENT PLAN.—The life cycle sustainment plan required by subsection (a)(1) shall include a description of the approved life cycle sustainment plan for the Ready, Relevant Learning initiative, including with respect to each of the following:

(1) Product support management.

(2) Supply support.

(3) Packaging, handling, storage, and transportation.

(4) Maintenance planning and management.

(5) Design interface.

(6) Sustainment engineering.

(7) Technical data.

(8) Computer resources.

(9) Facilities and infrastructure.

(10) Manpower and personnel.

(11) Support equipment.

(12) Training and training support.

(13) Governance, including the acquisition and program management structure.

(14) Such other elements in the life cycle sustainment of the Ready, Relevant Learning initiative as the Secretary considers appropriate.

(c) REPORT ON USE OF READINESS ASSESSMENT TEAMS.—The report required by subsection (a)(2) shall set forth the following:

(1) A description and assessment of the extent to which the Navy is currently using Engineering Readiness Assessment Teams (ERAT) and Combat Systems Readiness Assessment Teams (CSRAT) to conduct unit-level training and assistance in each capacity as follows:

(A) To augment non-Ready, Relevant Learning initiative training.

(B) As part of Ready, Relevant Learning initiative training.

(C) To train students on legacy, obsolete, one of a kind, or unique systems that are still widely used by the Navy.

(D) To train students on military-specific systems that are not found in the commercial maritime world.

(2) A description and assessment of potential benefits, and anticipated timelines and costs, in expanding Engineering Readiness Assessment Team and Combat Systems Readiness Assessment Team training in the capacities specified in paragraph (1).

(3) Such other matters in connection with the use of readiness assessment teams in connection with the Ready, Relevant Learning initiative as the Secretary considers appropriate.

SEC. 543. REPORT ON STANDARDIZATION AND POTENTIAL MERGER OF LAW ENFORCEMENT TRAINING FOR MILITARY AND CIVILIAN PERSONNEL ACROSS THE DEPARTMENT OF DEFENSE.

(a) REPORT REQUIRED.—Not later than June 8, 2021, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the standardization and potential merger of law enforcement training for military and civilian personnel across the Department of Defense, including training of military or civilian personnel of the Department designated in accordance with section 2762 of title 10, United States Code, to protect buildings, grounds, and property under the jurisdiction, custody, or control of the Department and the persons on such property.

(b) ELEMENTS.—In developing the report required by subsection (a), the Secretary shall do, and include in the report the results of, the following:

(1) Identify and assess current law enforcement training courses, schools, and programs of the Armed Forces that have the flexibility and capacity to support the training referred to in subsection (a) through common training standards.

(2) Identify and assess current Department law enforcement training courses, schools, and programs that are affiliated with or accredited by third parties (including both governmental and private entities), including an assessment of the value derived from such affiliation or accreditation to the training referred to in subsection (a).

(3) Identify emerging law enforcement training requirements that are common among the Armed Forces and other Department law enforcement components and are currently unmet by the Armed Forces or such components.

(4) Assess the feasibility, advisability, and suitability of incorporating standardized and merged field and operational training in military law enforcement mission areas, including area security operations, law and order operations, internment and resettlement operations, and police intelligence operations, in the training provided to all Armed Forces and other Department law enforcement components.

(5) Identify and assess Department courses, programs, or institutions with the capability to support law enforcement training or information sharing between Department military and civilian law enforcement components and State, county, and local law enforcement agencies, with the capability to support law enforcement components of the National Guard and other reserve components of the Armed Forces, or with both such capabilities.

(6) Assess the feasibility, advisability, and suitability of standardizing and merging the training referred to in subsection (a) across the Department, including an assessment of the costs of such standardization and merger.

(7) Any other matters the Secretary considers appropriate.

SEC. 544. QUARTERLY REPORTS ON IMPLEMENTATION OF RECOMMENDATIONS OF THE COMPREHENSIVE REVIEW OF SPECIAL OPERATIONS FORCES CULTURE AND ETHICS.

(a) QUARTERLY REPORTS REQUIRED.—Not later than March 1, 2021, and every 90 days thereafter through March 1, 2024, the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict shall, in coordination with the Commander of the United States Special Operations Command, submit to the congressional defense committees a report on the current status of the implementation of the actions recommended as a result of the Comprehensive Review of Special Operations Forces Culture and Ethics.

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

(1) A list of the actions required as of the date of such report to complete full implementation of each of the 16 actions recommended by the Comprehensive Review referred to in subsection (a).

(2) An identification of the office responsible for completing each action listed pursuant to paragraph (1), and an estimated timeline for completion of such action.

(3) If completion of any action listed pursuant to paragraph (1) requires resources or actions for which authorization by statute is required, a recommendation for legislative action for such authorization.

(4) Any other matters the Assistant Secretary or the Commander considers appropriate.

SEC. 545. INFORMATION ON NOMINATIONS AND APPLICATIONS FOR MILITARY SERVICE ACADEMIES.

(a) REPORT ON CONGRESSIONAL NOMINATIONS PORTAL.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Superintendents of the military service academies, 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 a uniform online portal for all military service academies that enables Members of Congress to nominate individuals for appointment to each academy through a secure website.

(2) INFORMATION COLLECTION AND REPORTING.—For purposes of preparing the report required by paragraph (1), the Secretary shall treat the online portal described in that paragraph as permitting the collection, from each Member of Congress, of the demographic information described in subsection (b) for each individual nominated by the Member.

(3) AVAILABILITY OF INFORMATION.—For purposes of preparing the report, the Secretary shall treat the online portal as permitting Members of Congress and their designees to view past nomination records for all application cycles.

(4) MATTERS IN CONNECTION WITH ESTABLISHMENT OF PORTAL.—If the Secretary determines that the online portal is feasible and advisable, the report shall include—

(A) a comprehensive description of the online portal; and

(B) such recommendations for legislative and administrative action as the Secretary considers appropriate to establish and maintain the online portal.

(b) STANDARD CLASSIFICATIONS FOR COLLECTION OF DEMOGRAPHIC DATA.—

(1) STANDARDS REQUIRED.—The Secretary of Defense shall, in consultation with the Superintendents of the military service academies, establish standard classifications that cadets, midshipmen, and applicants to the academies may use to self-identify gender, race, and ethnicity and to provide other demographic information in connection with admission to or enrollment in an academy.

(2) CONSISTENCY WITH OMB GUIDANCE.—The standard classifications established under paragraph (1) shall be consistent with the standard classifications specified in Office of Management and Budget Directive No. 15 (pertaining to race and ethnic standards for Federal statistics and administrative reporting) or any successor directive.

(3) INCORPORATION INTO APPLICATIONS AND RECORDS.—Not later than one year after the date of the enactment of this Act, the Secretary shall incorporate the standard classifications established under paragraph (1) into—

(A) applications for admission to the military service academies; and

(B) the military personnel records of cadets and midshipmen enrolled in such academies.

(c) MILITARY SERVICE ACADEMY DEFINED.—In this section, the term ''military service academy'' means—

(1) the United States Military Academy;

(2) the United States Naval Academy; and

(3) the United States Air Force Academy.

SEC. 546. PILOT PROGRAMS IN CONNECTION WITH SENIOR RESERVE OFFICERS' TRAINING CORPS UNITS AT HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND MINORITY INSTITUTIONS.

(a) PILOT PROGRAMS AUTHORIZED.—The Secretary of Defense may carry out either or both of the pilot programs as follows:

(1) A pilot program, with elements as provided for in subsection (c), at covered institutions in order to assess the feasibility and advisability of mechanisms to reduce barriers to participation in the Senior Reserve Officers' Training Corps at such institutions by creating partnerships between satellite or extension Senior Reserve Officers' Training Corps units at such institutions and military installations.

(2) A pilot program, with elements as provided for in subsection (d), in order to assess the feasibility and advisability of the provision of financial assistance to members of the Senior Reserve Officers' Training Corps at covered institutions for participation in flight training.

(b) DURATION.—The duration of each pilot program under subsection (a) may not exceed five years.

(c) PILOT PROGRAM ON PARTNERSHIPS BETWEEN SATELLITE OR EXTENSION SROTC UNITS AND MILITARY INSTALLATIONS.—

(1) PARTICIPATING INSTITUTIONS.—The Secretary of Defense shall carry out the pilot program authorized by subsection (a)(1) at not fewer than five covered institutions selected by the Secretary for purposes of the pilot program.

(2) REQUIREMENTS FOR SELECTION.—Each covered institution selected by the Secretary for purposes of the pilot program authorized by subsection (a)(1) shall—

(A) currently maintain a satellite or extension Senior Reserve Officers' Training Corps unit under chapter 103 of title 10, United States Code, that is located more than 20 miles from the host unit of such unit; or

(B) establish and maintain a satellite or extension Senior Reserve Officers' Training Corps unit that meets the requirements in subparagraph (A).

(3) PREFERENCE IN SELECTION OF INSTITUTIONS.—In selecting covered institutions under this subsection for participation in the pilot program authorized by subsection (a)(1), the Secretary shall give preference to covered institutions that are located within 20 miles of a military installation of the same Armed Force as the host unit of the Senior Reserve Officers' Training Corp of the covered institution concerned.

(4) PARTNERSHIP ACTIVITIES.—The activities conducted under the pilot program authorized by subsection (a)(1) between a satellite or extension Senior Reserve Officers' Training Corps unit and the military installation concerned shall include such activities designed to reduce barriers to participation in the Senior Reserve Officers' Training Corps at the covered institution concerned as the Secretary considers appropriate, including measures to mitigate travel time and expenses in connection with receipt of Senior Reserve Officers' Training Corps instruction.

(d) PILOT PROGRAM ON FINANCIAL ASSISTANCE FOR SROTC MEMBERS FOR FLIGHT TRAINING.—

(1) ELIGIBILITY FOR PARTICIPATION BY SROTC MEMBERS.—A member of a Senior Reserve Officers' Training Corps unit at a covered institution may participate in the pilot program authorized by subsection (a)(2) if the member meets such academic requirements at the covered institution, and such other requirements, as the Secretary shall establish for purposes of the pilot program.

(2) PREFERENCE IN SELECTION OF PARTICIPANTS.—In selecting members under this subsection for participation in the pilot program authorized by subsection (a)(2), the Secretary shall give a preference to members who will pursue flight training under the pilot program at a covered institution.

(3) FINANCIAL ASSISTANCE FOR FLIGHT TRAINING.—

(A) IN GENERAL.—The Secretary may provide any member of a Senior Reserve Officers' Training Corps who participates in the pilot program authorized by subsection (a)(2) financial assistance to defray, whether in whole or in part, the charges and fees imposed on the member for flight training.

(B) FLIGHT TRAINING.—Financial assistance may be used under subparagraph (A) for a course of flight training only if the course meets Federal Aviation Administration standards and is approved by the Federal Aviation Administration and the applicable State approving agency.

(C) USE.—Financial assistance received by a member under subparagraph (A) may be used only to defray the charges and fees imposed on the member as described in that subparagraph.

(D) CESSATION OF ELIGIBILITY.—Financial assistance may not be provided to a member under subparagraph (A) as follows:

(i) If the member ceases to meet the academic and other requirements established pursuant to paragraph (1).

(ii) If the member ceases to be a member of the Senior Reserve Officers' Training Corps.

(e) EVALUATION METRICS.—The Secretary of Defense shall establish metrics to evaluate the effectiveness of the pilot programs under subsection (a).

(f) REPORTS.—

(1) INITIAL REPORT.—Not later than 180 days after the commencement of the pilot programs under subsection (a), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot programs. The report shall include the following:

(A) A description of each pilot program, including in the case of the pilot program under subsection (a)(2) the requirements established pursuant to subsection (d)(1).

(B) The evaluation metrics established under subsection (e).

(C) Such other matters relating to the pilot programs as the Secretary considers appropriate.

(2) ANNUAL REPORT.—Not later than 90 days after the end of each fiscal year in which the Secretary carries out the pilot programs, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot programs during such fiscal year. Each report shall include, for the fiscal year covered by such report, the following:

(A) In the case of the pilot program under subsection (a)(1), a description of the partnerships between satellite or extension Senior Reserve Officers' Training Corps units and military installations under the pilot program.

(B) In the case of the pilot program under subsection (a)(2), the following:

(i) The number of members of Senior Reserve Officers' Training Corps units at covered institutions selected for purposes of the pilot program, including the number of such members participating in the pilot program.

(ii) The number of recipients of financial assistance provided under the pilot program, including the number who—

(I) completed a ground school course of instruction in connection with obtaining a private pilot's certificate;

(II) completed flight training, and the type of training, certificate, or both received;

(III) were selected for a pilot training slot in the Armed Forces;

(IV) initiated pilot training in the Armed Forces; or

(V) successfully completed pilot training in the Armed Forces.

(iii) The amount of financial assistance provided under the pilot program, broken out by covered institution, course of study, and such other measures as the Secretary considers appropriate.

(C) Data collected in accordance with the evaluation metrics established under subsection (e).

(3) FINAL REPORT.—Not later than 180 days prior to the completion of the pilot programs, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot programs. The report shall include the following:

(A) A description of the pilot programs.

(B) An assessment of the effectiveness of each pilot program.

(C) A description of the cost of each pilot program, and an estimate of the cost of making each pilot program permanent.

(D) An estimate of the cost of expanding each pilot program throughout all eligible Senior Reserve Officers' Training Corps units.

(E) Such recommendations for legislative or administrative action as the Secretary considers appropriate in light of the pilot programs, including recommendations for extending or making permanent the authority for each pilot program.

(g) DEFINITIONS.—In this section:

(1) The term ''covered institution'' has the meaning given that term in section 262(g)(2) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92).

(2) The term ''flight training'' means a course of instruction toward obtaining any of the following:

(A) A private pilot's certificate.

(B) A commercial pilot certificate.

(C) A certified flight instructor certificate.

(D) A multi-crew pilot's license.

(E) A flight instrument rating.

(F) Any other certificate, rating, or pilot privilege the Secretary considers appropriate for purposes of this section.

(3) The term ''military installation'' means an installation of the Department of Defense for the regular components of the Armed Forces.

SEC. 547. EXPANSION OF JUNIOR RESERVE OFFICERS' TRAINING CORPS PROGRAM.

(a) EXPANSION OF JROTC CURRICULUM.—Section 2031(a)(2) of title 10, United States Code, is amended by inserting after ''service to the United States'' the following: ''(including an introduction to service opportunities in military, national, and public service)''.

(b) PLAN TO INCREASE NUMBER OF JROTC UNITS.—The Secretary of Defense shall, in consultation with the Secretaries of the military departments, develop and implement a plan to establish and support not fewer than 6,000 units of the Junior Reserve Officers' Training Corps by September 30, 2031.

SEC. 548. DEPARTMENT OF DEFENSE STARBASE PROGRAM.

Section 2193b(h) of title 10, United States Code, is amended by inserting ''the Commonwealth of the Northern Mariana Islands, American Samoa,'' before ''and Guam''.

Subtitle F—Decorations and Awards

SEC. 551. AWARD OR PRESENTATION OF DECORATIONS FAVORABLY RECOMMENDED FOLLOWING DETERMINATION ON MERITS OF PROPOSALS FOR DECORATIONS NOT PREVIOUSLY SUBMITTED IN A TIMELY FASHION.

(a) AWARD OR PRESENTATION AUTHORIZED.—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 submission of a favorable recommendation for the award or presentation of the decoration under subsection (b).

''(2) An award or presentation of a decoration under paragraph (1) may not occur before the end of the 60-day period beginning on the date of the submission under subsection (b) of the favorable recommendation regarding the award or presentation of the decoration.

''(3) The authority to make an award or presentation of a decoration under this subsection shall apply notwithstanding any limitation described in subsection (a).''.

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of section 1130 of such title 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) TABLE OF SECTIONS.—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 timely fashion: procedures for review and award or presentation.''.

SEC. 552. HONORARY PROMOTION MATTERS.

(a) HONORARY PROMOTIONS ON INITIATIVE OF DOD.—Chapter 80 of title 10, United States Code, is amended by inserting after section 1563 the following new section:

''§ 1563a. Honorary promotions on the initiative of the Department of Defense

''(a) IN GENERAL.—(1) Under regulations prescribed by the Secretary of Defense, the Secretary may make an honorary promotion (whether or not posthumous) of a former member or retired member of the armed forces to any grade not exceeding the grade of major general, rear admiral (upper half), or an equivalent grade in the Space Force if the Secretary determines that the promotion is merited.

''(2) The authority to make an honorary promotion under this subsection shall apply notwithstanding that the promotion is not otherwise authorized by law.

''(b) NOTICE TO CONGRESS.—The Secretary may not make an honorary promotion pursuant to subsection (a) until 60 days after the date on which the Secretary submits to the Committees on Armed Services of the Senate and the House of Representatives a notice of the determination to make the promotion, including a detailed discussion of the rationale supporting the determination.

''(c) NOTICE OF PROMOTION.—Upon making an honorary promotion pursuant to subsection (a), the Secretary shall expeditiously notify the former member or retired member concerned, or the next of kin of such former member or retired member if such former member or retired member is deceased, of the promotion.

''(d) NATURE OF PROMOTION.—Any promotion pursuant to this section is honorary, and shall not affect the pay, retired pay, or other benefits from the United States to which the former member or retired member concerned is entitled or would have been entitled based on the military service of such former member or retired member, nor affect any benefits to which any other person is or may become entitled based on the military service of such former member or retired member.''.

(b) MODIFICATION OF AUTHORITIES ON REVIEW OF PROPOSALS FROM CONGRESS.—

(1) STANDARDIZATION OF AUTHORITIES WITH AUTHORITIES ON DOD INITIATIVE.—Section 1563 of title 10, United States Code, is amended—

(A) in subsection (a)—

(i) in the first sentence, by striking ''the posthumous or honorary promotion or appointment of a member or former member of the armed forces, or any other person considered qualified,'' and inserting ''the honorary promotion (whether or not posthumous) of a former member or retired member of the armed forces''; and

(ii) in the second sentence, by striking ''the posthumous or honorary promotion or appointment'' and inserting ''the promotion''; and

(B) in subsection (b), by striking ''the posthumous or honorary promotion or appointment'' and inserting ''the honorary promotion''.

(2) AUTHORITY TO MAKE HONORARY PROMOTIONS FOLLOWING REVIEW OF PROPOSALS.—Such section is further amended—

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

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

''(c) AUTHORITY TO MAKE.—(1) Under regulations prescribed by the Secretary of Defense, the Secretary of Defense may make an honorary promotion (whether or not posthumous) of a former member or retired member of the armed forces to any grade not exceeding the grade of major general, rear admiral (upper half), or an equivalent grade in the Space Force following the submittal of the determination of the Secretary concerned under subsection (b) in connection with the proposal for the promotion if the determination is to approve the making of the promotion.

''(2) The Secretary of Defense may not make an honorary promotion under this subsection until 60 days after the date on which the Secretary concerned submits the determination in connection with the proposal for the promotion under subsection (b), and the detailed rationale supporting the determination as described in that subsection, to the Committees on Armed Services of the Senate and the House of Representatives and the requesting Member in accordance with that subsection.

''(3) The authority to make an honorary promotion under this subsection shall apply notwithstanding that the promotion is not otherwise authorized by law.

''(4) Any promotion pursuant to this subsection is honorary, and shall not affect the pay, retired pay, or other benefits from the United States to which the former member or retired member concerned is or would have been entitled based upon the military service of such former member or retired member, nor affect any benefits to which any other person may become entitled based on the military service of such former member or retired member.''.

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

''§ 1563. Consideration of proposals from Members of Congress for honorary promotions: procedures for review and promotion''.

(c) 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 items:

''1563. Consideration of proposals from Members of Congress for honorary promotions: procedures for review and promotion.

''1563a. Honorary promotions on the initiative of the Department of Defense.''.

Subtitle G—Defense Dependents' Education and Military Family Readiness Matters

PART I—DEFENSE DEPENDENTS' EDUCATION MATTERS

SEC. 561. CONTINUATION OF AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the amount authorized to be appropriated for fiscal year 2021 by section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, $50,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 20 U.S.C. 7703b).

(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. 562. IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.

(a) IN GENERAL.—Of the amount authorized to be appropriated for fiscal year 2021 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) ADDITIONAL AMOUNT.—Of the amount authorized to be appropriated for fiscal year 2021 pursuant to section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, $10,000,000 shall be available for use by the Secretary of Defense to make payments to local educational agencies determined by the Secretary to have higher concentrations of military children with severe disabilities.

(c) REPORT.—Not later than March 1, 2021, the Secretary shall brief the Committees on Armed Services of the Senate and the House of Representatives on the Department's evaluation of each local educational agency with higher concentrations of military children with severe disabilities and subsequent determination of the amounts of impact aid each such agency shall receive.

SEC. 563. STAFFING OF DEPARTMENT OF DEFENSE EDUCATION ACTIVITY SCHOOLS TO MAINTAIN MAXIMUM STUDENT-TO-TEACHER RATIOS.

(a) IN GENERAL.—The Department of Defense Education Activity (DoDEA) shall staff elementary and secondary schools operated by the Activity so as to maintain, to the extent practicable, student-to-teacher ratios that do not exceed the maximum student-to-teacher ratios specified in subsection (b).

(b) MAXIMUM STUDENT-TO-TEACHER RATIOS.—The maximum student-to-teacher ratios specified in this subsection are the following:

(1) For each of grades kindergarten through 3, a ratio of 18 students to 1 teacher (18:1).

(2) For each of grades 4 through 12, a ratio equal to the average student-to-teacher ratio for such grade among all Department of Defense Education Activity schools during the 2019-2020 academic year.

(c) SUNSET.—The requirement to staff schools in accordance with subsection (a) shall expire at the end of the 2023-2024 academic year of the Department of Defense Education Activity.

SEC. 564. MATTERS IN CONNECTION WITH FREE APPROPRIATE PUBLIC EDUCATION FOR DEPENDENTS OF MEMBERS OF THE ARMED FORCES WITH SPECIAL NEEDS.

(a) INFORMATION ON DISPUTES REGARDING RECEIPT OF FREE APPROPRIATE PUBLIC EDUCATION BY SPECIAL NEEDS DEPENDENTS.—

(1) IN GENERAL.—Each Secretary of a military department shall collect and maintain information on special education disputes

filed by members of the Armed Forces under the jurisdiction of such Secretary.

(2) INFORMATION.—The information collected and maintained pursuant to this subsection shall include the following:

(A) The number of special education disputes filed.

(B) The outcome or disposition of the disputes.

(3) SOURCE OF INFORMATION.—The information collected and maintained pursuant to this subsection shall be derived from the following:

(A) Records and reports of case managers and navigators under the Exceptional Family Member Program (EFMP) of the Department of Defense.

(B) Reports of members of the Armed Forces concerned to installation or other military leadership.

(C) Such other sources as the Secretary of the military department concerned considers appropriate.

(4) ANNUAL REPORTS.— Each Secretary of a military department shall submit each year to the Office of Special Needs of the Department of Defense a report on the information collected by such Secretary pursuant to this subsection during the preceding year.

(b) COMPTROLLER GENERAL OF THE UNITED STATES STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study on the following:

(A) The consequences for a State or local educational agency of a finding of failure to provide a free appropriate public education to a military dependent.

(B) The manner in which local educational agencies with military families use the following:

(i) Funds received under section 7003(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(d)).

(ii) Funds authorized to be appropriated by annual national defense authorization Acts and made available for impact aid for child with severe disabilities under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (20 U.S.C. 7703a).

(iii) Funds authorized to be appropriated by annual national defense authorization Acts and made available for assistance to schools with significant number of military dependent students under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (20 U.S.C. 7703b).

(C) The efficacy of attorney and other legal support for military families in special education disputes.

(D) The standardization of policies and guidance for School Liaison Officers between the Office of Special Needs of the Department of Defense and the military departments, and the efficacy of such policies and guidance.

(E) The improvements of family support programs of the Office of Special Needs, and of each military department, in light of the recommendations of the Comptroller General in the report entitled ''DOD Should Improve Its Oversight of the Exceptional Family Member Program'', GAO–18–348.

(2) RECOMMENDATIONS.—In conducting the study, the Comptroller General shall develop recommendations on the following:

(A) Improvements and enhancements to oversight and enforcement of compliance by local educational agencies with requirements for the provision of a free appropriate public education to military dependents with special needs.

(B) Improvements to the policies of the Office of Special Needs, and of each military department, with respect to the standardization and efficacy of policies and programs for military dependents with special needs.

(3) DEADLINE FOR COMPLETION.—The Comptroller General shall complete the study by not later than March 31, 2021.

(4) BRIEFING AND REPORT.—Upon completion of the study, the Comptroller General shall brief the Committees on Armed Services of the Senate and the House of Representatives on the results of the study, and shall submit to such committees a report on such results.

(c) DEFINITIONS.—In this section:

(1) The term ''free appropriate public education'' includes appropriate special education and related services required under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.)

(2) The term ''local educational agency'' has the meaning given that term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(3) The term ''special education dispute'' means a complaint filed regarding the education provided a child with a disability (as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401), including a complaint filed in accordance with section 615 or 639 of such Act (20 U.S.C. 1415, 1439).

SEC. 565. PILOT PROGRAM ON EXPANDED ELIGIBILITY FOR DEPARTMENT OF DEFENSE EDUCATION ACTIVITY VIRTUAL HIGH SCHOOL PROGRAM.

(a) PILOT PROGRAM REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall carry out a pilot program on permitting dependents of members of the Armed Forces on active duty to enroll in the Department of Defense Education Activity Virtual High School program (in this section referred to as the ''DVHS program'').

(2) PURPOSES.—The purposes of the pilot program shall be as follows:

(A) To evaluate the feasibility and scalability of the DVHS program.

(B) To assess the impact of expanded enrollment in the DVHS program under the pilot program on military and family readiness.

(3) DURATION.—The duration of the pilot program shall be four academic years.

(b) PARTICIPANTS.—

(1) IN GENERAL.—Participants in the pilot program shall be selected by the Secretary from among dependents of members of the Armed Forces on active duty who—

(A) are in a grade 9 through 12;

(B) are currently ineligible to enroll in the DVHS program; and

(C) either—

(i) require supplementary courses to meet graduation requirements in the current State of residence; or

(ii) otherwise demonstrate to the Secretary a clear need to participate in the DVHS program.

(2) PREFERENCE IN SELECTION.—In selecting participants in the pilot program, the Secretary shall afford a preference to the following:

(A) Dependents who reside in a rural area.

(B) Dependents who are home-schooled students.

(3) LIMITATIONS.—The total number of course enrollments per academic year authorized under the pilot program may not exceed 400 course enrollments. No single dependent participating in the pilot program may take more than two courses per academic year under the pilot program.

(c) REPORTS.—

(1) INTERIM REPORT.—Not later than two years after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives an interim report on the pilot program.

(2) FINAL REPORT.—Not later than 180 days after the completion of the pilot program, the Secretary shall submit to the committees of Congress referred to in paragraph (1) a final report on the pilot programs.

(3) ELEMENTS.—Each report under this subsection shall include the following:

(A) A description of the demographics of the dependents participating in the pilot program through the date of such report.

(B) Data on, and an assessment of, student performance in virtual coursework by dependents participating in the pilot program over the duration of the pilot program.

(C) Such recommendation as the Secretary considers appropriate on whether to make the pilot program permanent.

(d) DEFINITIONS.—In this section:

(1) The term ''rural area'' has the meaning given the term in section 520 of the Housing Act of 1949 (42 U.S.C. 1490).

(2) The term ''home-schooled student'' means a student in a grade equivalent to grade 9 through 12 who receives educational instruction at home or by other non-traditional means outside of a public or private school system, either all or most of the time.

SEC. 566. PILOT PROGRAM ON EXPANSION OF ELIGIBILITY FOR ENROLLMENT AT DOMESTIC DEPENDENT ELEMENTARY AND SECONDARY SCHOOLS.

(a) PILOT PROGRAM REQUIRED.—Beginning not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall carry out a pilot program under which a dependent of a full-time, active-duty member of the Armed Forces may enroll in a covered DODEA school at the military installation to which the member is assigned, on a space-available basis as described in subsection (c), without regard to whether the member resides on the installation as described in 2164(a)(1) of title 10, United States Code.

(b) PURPOSES.—The purposes of the pilot program under this section are—

(1) to evaluate the feasibility and advisability of expanding enrollment in covered DODEA schools; and

(2) to determine how increased access to such schools will affect military and family readiness.

(c) ENROLLMENT ON SPACE-AVAILABLE BASIS.—A student participating in the pilot program under this section may be enrolled in a covered DODEA school only if the school has the capacity to accept the student, as determined by the Director of the Department of Defense Education Activity.

(d) LOCATIONS.—The Secretary of Defense shall carry out the pilot program under this section at not more than four military installations at which covered DODEA schools are located. The Secretary shall select military installations for participation in the pilot program based on—

(1) the readiness needs of the Secretary of a the military department concerned; and

(2) the capacity of the DODEA schools located at the installation to accept additional students, as determined by the Director of the Department of Defense Education Activity.

(e) TERMINATION.—The authority to carry out the pilot program under this section shall terminate four years after the date of the enactment of this Act.

(f) COVERED DODEA SCHOOL DEFINED.—In this section, the term ''covered DODEA school'' means a domestic dependent elementary or secondary school operated by the Department of Defense Education Activity that—

(1) has been established on or before the date of the enactment of this Act; and

(2) is located in the continental United States.

SEC. 567. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON THE STRUCTURAL CONDITION OF DEPARTMENT OF DEFENSE EDUCATION ACTIVITY SCHOOLS.

(a) REPORT REQUIRED.—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 congressional defense committees a report setting forth an assessment by the Comptroller General of the structural condition of schools of the Department of Defense Education Activity, both within the continental United States (CONUS) and outside the continental United States (OCONUS).

(b) VIRTUAL SCHOOLS.—The report shall include an assessment of the virtual infrastructure or other means by which students attend Department of Defense Education Activity schools that have no physical structure, including the satisfaction of the military families concerned with such infrastructure or other means.

PART II—MILITARY FAMILY READINESS MATTERS

SEC. 571. RESPONSIBILITY FOR ALLOCATION OF CERTAIN FUNDS FOR MILITARY CHILD DEVELOPMENT PROGRAMS.

Section 1791 of title 10, United States Code, is amended—

(1) by inserting ''(a) POLICY.—'' before ''It is the policy''; and

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

''(b) RESPONSIBILITY FOR ALLOCATIONS OF CERTAIN FUNDS.—The Secretary of Defense shall be responsible for the allocation of Office of the Secretary of Defense level funds for military child development programs for children from birth through 12 years of age, and may not delegate such responsibility to the military departments.''.

SEC. 572. IMPROVEMENTS TO EXCEPTIONAL FAMILY MEMBER PROGRAM.

Section 1781c of title 10, United States Code is amended—

(1) in subsection (b), by striking ''enhance'' and inserting ''standardize, enhance,'';

(2) in subsection (c)(1), by inserting ''and standard'' after ''comprehensive'';

(3) in subsection (d)—

(A) in paragraph (1), by striking ''update from time to time'' and inserting ''regularly update'';

(B) in paragraph (3), by adding at the end the following new subparagraphs:

''(C) Ability to request a second review of the approved assignment within or outside the continental United States if the member believes the location is inappropriate for the member's family and would cause undue hardship.

''(D) Protection from having a medical recommendation for an approved assignment overriden by the commanding officer.

''(E) Ability to request continuation of location when there is a documented substantial risk of transferring medical care or educational services to a new provider or school at the specific time of permanent change of station.

''(F) If an order for assignment is declined for a military family with special needs, the member will receive a reason for the decline of that order.''; and

(C) in paragraph (4), by adding at the end the following new subparagraphs:

''(H) Procedures to right-size the Department's Exceptional Family Member Program to ensure efficient and effective enrollment, for sufficient staffing dedicated to providing family support services, to include comprehensive training, education and outreach services, and sufficient oversight and administrative support for effective program operation.

''(I) Requirements to prohibit disenrollment from the Exceptional Family Member Program unless there is new supporting medical or educational information that indicates the original condition is no longer present, and to track disenrollment data per military service.'';

(4) by redesignating subsections (f), (g), and (h) as subsections (g), (h), and (i), respectively; and

(5) by inserting after subsection (e) the following new subsection:

''(f) METRICS.—The Secretary of Defense shall implement performance metrics for measuring, across the Department and with respect to each military department, the following:

''(1) Assignment coordination and support for military families with special needs, including a systematic process for evaluating each military department's program for the support of military families with special needs.

''(2) The reassignment of military families with special needs, including how often members request reassignments, for what reasons, and from what military installations.

''(3) The level of satisfaction of military families with special needs with the family and medical support they are provided.''.

SEC. 573. PROCEDURES OF THE OFFICE OF SPECIAL NEEDS FOR THE DEVELOPMENT OF INDIVIDUALIZED SERVICES PLANS FOR MILITARY FAMILIES WITH SPECIAL NEEDS.

Section 1781c(d)(4) of title 10, United States Code, as amended by section 572(3)(C) of this Act, is further amended—

(1) in subparagraph (F), by striking ''of an individualized services plan (medical and educational)'' and inserting ''by an appropriate office of an individualized services plan (whether medical, educational, or both)'';

(2) by redesignating subparagraphs (G), (H), and (I) as subparagraph (H), (I), and (J), respectively; and

(3) by inserting after subparagraph (F) the following new paragraph (G):

''(G) Procedures for the development of an individualized services plan for military family members with special needs who have requested family support services and have a completed family needs assessment.''.

SEC. 574. RESTATEMENT AND CLARIFICATION OF AUTHORITY TO REIMBURSE MEMBERS FOR SPOUSE RELICENSING COSTS PURSUANT TO A PERMANENT CHANGE OF STATION.

(a) IN GENERAL.—Section 453 of title 37, United States Code, is amended by adding at the end the following new subsection:

''(g) REIMBURSEMENT OF QUALIFYING SPOUSE RELICENSING COSTS INCIDENT TO A MEMBER'S PERMANENT CHANGE OF STATION OR ASSIGNMENT.—(1) From amounts otherwise made available for a fiscal year to provide travel and transportation allowances under this chapter, the Secretary concerned may reimburse a member of the armed forces for qualified relicensing costs of the spouse of the member when—

''(A) the member is reassigned, either as a permanent change of station or permanent change of assignment, between duty stations located in separate jurisdictions with unique licensing or certification requirements and authorities; and

''(B) the movement of the member's dependents is authorized at the expense of the United States under this section as part of the reassignment.

''(2) Reimbursement provided to a member under this subsection may not exceed $1000 in connection with each reassignment described in paragraph (1).

''(3) No reimbursement may be provided under this subsection for qualified relicensing costs paid or incurred after December 31, 2024.

''(4) In this subsection, the term 'qualified relicensing costs' means costs, including exam, continuing education courses, and registration fees, incurred by the spouse of a member if—

''(A) the spouse was licensed or certified in a profession during the member's previous duty assignment and requires a new license or certification to engage in that profession in a new jurisdiction because of movement described in paragraph (1)(B) in connection with the member's change in duty location pursuant to reassignment described in paragraph (1)(A); and

''(B) the costs were incurred or paid to secure or maintain the license or certification from the new jurisdiction in connection with such reassignment.''.

(b) REPEAL OF SUPERSEDED AUTHORITY.—Section 476 of such title is amended by striking subsection (p).

SEC. 575. IMPROVEMENTS TO DEPARTMENT OF DEFENSE TRACKING OF AND RESPONSE TO INCIDENTS OF CHILD ABUSE INVOLVING MILITARY DEPENDENTS ON MILITARY INSTALLATIONS.

(a) IMPROVEMENTS REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall, consistent with recommendations of the Comptroller General of the United States in Government Accountability Office report GA0–20–110, take actions in accordance with this section in order to improve the efforts of the Department of Defense to track and respond to incidents of child abuse involving dependents of members of the Armed Forces that occur on military installations (in this section referred to as ''covered incidents of child abuse'').

(2) CHILD ABUSE.—For purposes of this section, child abuse includes any abuse of a child, including sexual abuse, emotional abuse, and neglect.

(b) DATA COLLECTION AND TRACKING OF INCIDENTS OF CHILD ABUSE.—

(1) TRACKING OF NON-CAREGIVER ABUSE.—The Secretary of Defense shall establish a process for the Department of Defense Family Advocacy Program to track reported covered incidents of child abuse in which the alleged offender is not a parent, guardian, or someone in a caregiving role at the time of the incident. The information so tracked shall comport with the information tracked by the Department of Defense in reported covered incidents of child abuse in which the alleged offender is a parent, guardian, or someone in a caregiving role at the time of the incident.

(2) CENTRALIZED DATABASE FOR TRACKING OF INCIDENTS.—

(A) IN GENERAL.—The Secretary shall develop and maintain in the Department of Defense a centralized database to track information across the Department on all covered incidents of child abuse that are reported to the Family Advocacy Program or investigated by a military criminal investigation organization, regardless of whether the alleged offender was another child, an adult, or someone in a non-caregiving role at the time of an incident.

(B) ELEMENTS.—The centralized database required by this paragraph shall include, for each incident within the database, the following:

(i) Information pertinent to a determination by the Family Advocacy Program whether such incident meets the criteria of the Department for treatment as an incident of child abuse.

(ii) The results of any investigation of such incident by a military criminal investigation organization.

(iii) Information on the ultimate disposition of the incident, if any, including any administrative or prosecutorial action taken.

(C) ANNUAL REPORTS ON INFORMATION.—The information collected and maintained in the centralized database shall be reported on an annual basis as part of the annual reports from the Family Advocacy Program on child abuse and domestic abuse in the military as required by section 574 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2141).

(D) BRIEFINGS.—Not later than March 31, 2021, and every six months thereafter until the centralized database required by this paragraph is fully operational, the Secretary shall brief the Committees on Armed Services of the Senate and the House of Representatives on the status of the database.

(3) DEPARTMENT OF DEFENSE EDUCATION ACTIVITY GUIDANCE.—The Department of Defense Education Activity (DoDEA) shall issue clarifications of its guidance on the incidents of child-on-child abuse that qualify as serious incidents for purposes of requirements for the reporting of such serious incidents by school administrators to Activity leadership.

(c) RESPONSE PROCEDURES.—

(1) INCIDENT DETERMINATION COMMITTEE MEMBERSHIP.—The Department of Defense Family Advocacy Program shall ensure that the voting membership of each Incident Determination Committee on a military installation includes medical personnel with the requisite knowledge and expertise to determine whether a reported covered incident of abuse meets the criteria of the Department of Defense for treatment as child abuse.

(2) SCREENING REPORTED INCIDENTS OF CHILD ABUSE.—

(A) DEVELOPMENT OF STANDARDIZED PROCESS.—The Department of Defense Family Advocacy Program shall develop a standardized process by which the Family Advocacy Programs of the military departments screen reported covered incidents of child abuse to determine whether to present such incident to an Incident Determination Committee.

(B) MONITORING.—The Secretary of each military department shall develop a process to monitor the manner in which reported covered incidents of child abuse are screened by each installation under the jurisdiction of such Secretary in order to ensure that such screening complies with the standardized screening process developed pursuant to subparagraph (A).

(3) REQUIRED NOTIFICATIONS.—

(A) DOCUMENTATION.—The Secretary of each military department shall require that installation Family Advocacy Programs and military criminal investigation organizations under the jurisdiction of such Secretary document in their respective databases the date on which they notified the other of a reported covered incident of child abuse.

(B) OVERSIGHT.—The Secretary of each military department shall require that the Family Advocacy Program of such military department, and the headquarters of the military criminal investigation organizations of such military department, to develop processes to oversee the documentation of notifications required by subparagraph (A) in order to ensure that such notifications occur on a consistent basis at installation level.

(4) CERTIFIED PEDIATRIC SEXUAL ASSAULT FORENSIC EXAMINERS.—

(A) GEOGRAPHIC REGIONS FOR EXAMINERS.—The Under Secretary of Defense for Personnel and Readiness shall specify geographic regions in which military families reside for purposes of the availability of and access to certified pediatric sexual assault examiners in such regions.

(B) AVAILABILITY.—The Under Secretary shall ensure that—

(i) one or more certified pediatric sexual assault examiners are located in each geographic region specified pursuant to subparagraph (A); and

(ii) examiners so located serve as certified pediatric sexual assault examiners throughout such region, without regard to Armed Force or installation.

(5) REMOVAL OF CHILDREN FROM UNSAFE HOMES OVERSEAS.—The Secretary of Defense shall, in consultation with the Secretaries of the military departments, issue policy that clarifies and standardizes across the Armed Forces the circumstances under which a commander may remove a child from a potentially unsafe home at an installation overseas.

(6) RESOURCE GUIDE FOR FAMILIES AFFECTED BY CHILD ABUSE.—

(A) IN GENERAL.—The Secretary of each military department shall develop and maintain a comprehensive guide on resources available through the Department of Defense and such military department for military families under this jurisdiction of such Secretary who are affected by child abuse.

(B) ELEMENTS.—Each guide under this paragraph shall include the following:

(i) Information on the response processes of the Family Advocacy Programs and military criminal investigation organizations of the military department concerned.

(ii) Lists of available support services, such as legal, medical, and victim advocacy services, through the Department of Defense and the military department concerned.

(C) DISTRIBUTION.—A resource guide under this paragraph shall be presented to a military family by an installation Family Advocacy Program and military criminal investigation personnel at the time a covered incident of child abuse involving a child in such family is reported.

(D) AVAILABILITY ON INTERNET.—A current version of each resource guide under this paragraph shall be available to the public on an Internet website of the military department concerned available to the public.

(d) COORDINATION AND COLLABORATION WITH NON-MILITARY RESOURCES.—

(1) COORDINATION WITH STATES.—The Secretary of Defense shall—

(A) continue the outreach efforts of the Department of Defense to the States in order to ensure that States are notified when a member of the Armed Forces or a military dependent is involved in a reported incident of child abuse off a military installation; and

(B) increase efforts at information sharing between the Department and the States on such incidents of child abuse, including entry into memoranda of understanding with State child welfare agencies on information sharing in connection with such incidents.

(2) COLLABORATION WITH NATIONAL CHILDREN'S ALLIANCE.—

(A) MEMORANDA OF UNDERSTANDING.—The Secretary of each military department shall seek to enter into a memorandum of understanding with the National Children's Alliance under which—

(i) the children's advocacy center services of the Alliance are available to all installations in the continental United States under the jurisdiction of such Secretary; and

(ii) members of the Armed Forces under the jurisdiction of such Secretary are made aware of the nature and availability of such services.

(B) PARTICIPATION OF CERTAIN ENTITIES.—Each memorandum of understanding under this paragraph shall provide for the appropriate participation of the Family Advocacy Program and military criminal investigation organizations of the military department concerned in activities under such memorandum of understanding.

(C) BRIEFING.—Not later than one year after the date of the enactment of this Act, the Secretary of each military department shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the status of the development of a memorandum of understanding with the National Children's Alliance under this paragraph, together with information on which installations, if any, under the jurisdiction of such Secretary have entered into a written agreement with a local children's advocacy center with respect to child abuse on such installations.

SEC. 576. MILITARY CHILD CARE AND CHILD DEVELOPMENT CENTER MATTERS.

(a) CENTER FEES MATTERS.—Section 1793 of title 10, United States Code, is amended by adding at the end the following new subsections:

''(c) LIBERAL ISSUANCE OF HARDSHIP WAIVERS.—The regulations prescribed pursuant to subsection (a) shall require that installation commanders issue waivers of fees otherwise established under the regulations for inability to pay (commonly referred to as 'hardship waivers') on a liberal basis in a manner consistent (as specified by the Secretary in such regulations) with ensuring that fees collected pursuant to subsection (a) meet the operating expenses of the child development centers concerned.

''(d) FAMILY DISCOUNT.—In the case of a family with two or more children attending a child development center, the regulations prescribed pursuant to subsection (a) shall require that installations commanders charge a fee for attendance at the center of any child of the family after the first child of the family in amount equal to 85 percent of the amount of the fee otherwise chargeable for the attendance of such child at the center.''.

(b) CHILD CARE FEE ASSISTANCE PROGRAMS THROUGHOUT THE ARMED FORCES.—

(1) PROGRAMS AUTHORIZED.—Each Secretary of a military department may carry out a program for each Armed Force under the jurisdiction of such Secretary under which a member of the Armed Forces who is obtaining child care services from a civilian child care services provider located off a military installation is paid (subject to any limitation established by such Secretary) a monthly amount equal to the amount, if any, by which—

(A) the monthly amount charged by such provider for such services; exceeds

(B) the monthly amount the military department concerned pays or otherwise provides members at such installation for child care services on such installation.

(2) MODEL.—Any program carried out pursuant to paragraph (1) shall be modeled after the Army Fee Assistance Program, and incorporate such modifications to that Program as the Secretary of the military department concerned considers appropriate.

(3) SECRETARY OF DEFENSE APPROVAL.—Any program of an Armed Force under paragraph (1) shall be subject to the approval of the Secretary of Defense.

(c) ADDITIONAL ACTIONS TO OBTAIN QUALIFIED CHILD CARE EMPLOYEES.—

(1) IN GENERAL.—Section 1792 of title 10, United States Code, is amended—

(A) by redesignating subsection (d) as subsection (e); and

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

''(d) ADDITIONAL ACTIONS TO OBTAIN QUALIFIED EMPLOYEES.—Each Secretary of a military department may, with the approval of the Secretary of Defense, take actions in addition to actions authorized by subsection (c) to provide military child development centers under the jurisdiction of such Secretary with a qualified and stable civilian workforce, including actions as follows:

''(1) Enhanced marketing and recruitment for employment.

''(2) Provision to employees of education-related benefits, including tuition assistance and student loan repayment programs.

''(3) Availability and enhancement of wellness and physical fitness programs for employees.

''(4) Provision of such other competitive benefits as the Secretary of the military department and the Secretary of Defense jointly consider appropriate.''.

(2) REPORTS ON INSTALLATIONS WITH EXTREME IMBALANCE BETWEEN DEMAND FOR AND AVAILABILITY OF CHILD CARE.—Not later than one year after the date of the enactment of this Act, each Secretary of a military department shall submit to Congress a report on the military installations under the jurisdiction of such Secretary with an extreme imbalance between demand for child care and availability of child care. Each report shall include, for the military department covered by such report, the following:

(A) The name of the five installations of the military department experiencing the most extreme imbalance between demand for child care and availability of child care.

(B) For each installation named pursuant to subparagraph (A), the following:

(i) An assessment whether civilian employees at child development centers at such installation have rates of pay and benefits that are competitive with other civilian employees on such installation and with the civilian labor pool in the vicinity of such installation.

(ii) A description and assessment of various incentives to encourage military spouses to become providers under the Family Child Care program at such installation.

(iii) Such recommendations at the Secretary of the military department concerned considers appropriate to address the imbalance between demand for child care and availability of child care at such installation, including recommendations to enhance the competitiveness of civilian child care positions at such installation with other civilian positions at such installation and the civilian labor pool in the vicinity of such installation.

SEC. 577. EXPANSION OF FINANCIAL ASSISTANCE UNDER MY CAREER ADVANCEMENT ACCOUNT PROGRAM.

Section 580F of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended—

(1) by inserting ''(a) PROFESSIONAL LICENSE OR CERTIFICATION; ASSOCIATE'S DEGREE.—'' before ''The Secretary'';

(2) by inserting ''or maintenance (including continuing education courses)'' after ''pursuit''; and

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

''(b) NATIONAL TESTING.—Financial assistance under subsection (a) may be applied to the costs of national tests that may earn a participating military spouse course credits required for a degree approved under the program (including the College Level Examination Program tests).''.

Subtitle H—Other Matters

SEC. 586. REMOVAL OF PERSONALLY IDENTIFYING AND OTHER INFORMATION OF CERTAIN PERSONS FROM INVESTIGATIVE REPORTS, THE DEPARTMENT OF DEFENSE CENTRAL INDEX OF INVESTIGATIONS, AND OTHER RECORDS AND DATABASES.

(a) POLICY AND PROCESS REQUIRED.—Not later than October 1, 2021, the Secretary of Defense shall establish and maintain a policy and process through which any covered person may request that the person's name, personally identifying information, and other information pertaining to the person shall, in accordance with subsection (c), be corrected in, or expunged or otherwise removed from, the following:

(1) A law enforcement or criminal investigative report of the Department of Defense or any component of the Department.

(2) An index item or entry in the Department of Defense Central Index of Investigations (DCII).

(3) Any other record maintained in connection with a report described in paragraph (1), or an index item or entry described in paragraph (2), in any system of records, records database, records center, or repository maintained by or on behalf of the Department.

(b) COVERED PERSONS.—For purposes of this section, a covered person is any person whose name was placed or reported, or is maintained—

(1) in the subject or title block of a law enforcement or criminal investigative report of the Department of Defense (or any component of the Department);

(2) as an item or entry in the Department of Defense Central Index of Investigations; or

(3) in any other record maintained in connection with a report described in paragraph (1), or an index item or entry described in paragraph (2), in any system of records, records database, records center, or repository maintained by or on behalf of the Department.

(c) ELEMENTS.—The policy and process required by subsection (a) shall include the following elements:

(1) BASIS FOR CORRECTION OR EXPUNGEMENT.—That the name, personally identifying information, and other information of a covered person shall be corrected in, or expunged or otherwise removed from, a report, item or entry, or record described in paragraphs (1) through (3) of subsection (a) in the following circumstances:

(A) Probable cause did not or does not exist to believe that the offense for which the person's name was placed or reported, or is maintained, in such report, item or entry, or record occurred, or insufficient evidence existed or exists to determine whether or not such offense occurred.

(B) Probable cause did not or does not exist to believe that the person actually committed the offense for which the person's name was so placed or reported, or is so maintained, or insufficient evidence existed or exists to determine whether or not the person actually committed such offense.

(C) Such other circumstances, or on such other bases, as the Secretary may specify in establishing the policy and process, which circumstances and bases may not be inconsistent with the circumstances and bases provided by subparagraphs (A) and (B).

(2) CONSIDERATIONS.—While not dispositive as to the existence of a circumstance or basis set forth in paragraph (1), the following shall be considered in the determination whether such circumstance or basis applies to a covered person for purposes of this section:

(A) The extent or lack of corroborating evidence against the covered person concerned with respect to the offense at issue.

(B) Whether adverse administrative, disciplinary, judicial, or other such action was initiated against the covered person for the offense at issue.

(C) The type, nature, and outcome of any action described in subparagraph (B) against the covered person.

(3) PROCEDURES.—The policy and process required by subsection (a) shall include procedures as follows:

(A) Procedures under which a covered person may appeal a determination of the applicable component of the Department of Defense denying, whether in whole or in part, a request for purposes of subsection (a).

(B) Procedures under which the applicable component of the Department will correct, expunge or remove, take other appropriate action on, or assist a covered person in so doing, any record maintained by a person, organization, or entity outside of the Department to which such component provided, submitted, or transmitted information about the covered person, which information has or will be corrected in, or expunged or removed from, Department records pursuant to this section.

(C) The timeline pursuant to which the Department, or a component of the Department, as applicable, will respond to each of the following:

(i) A request pursuant to subsection (a).

(ii) An appeal under the procedures required by subparagraph (A).

(iii) A request for assistance under the procedures required by subparagraph (B).

(D) Mechanisms through which the Department will keep a covered person apprised of the progress of the Department on a covered person's request or appeal as described in subparagraph (C).

(d) APPLICABILITY.—The policy and process required to be developed by the Secretary under subsection (a) shall not be subject to the notice and comment rulemaking requirements under section 553 of title 5, United States Code.

(e) REPORT.—Not later than October 1, 2021, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the actions taken to carry out this section, including a comprehensive description of the policy and process developed and implemented by the Secretary under subsection (a).

SEC. 587. NATIONAL EMERGENCY EXCEPTION FOR TIMING REQUIREMENTS WITH RESPECT TO CERTAIN SURVEYS OF MEMBERS OF THE ARMED FORCES.

(a) MEMBERS OF REGULAR AND RESERVE COMPONENTS.—Subsection (d) of section 481 of title 10, United States Code, is amended to read as follows:

''(d) WHEN SURVEYS REQUIRED.—(1) The Armed Forces Workplace and Gender Relations Surveys of the Active Duty and the Armed Forces Workplace and Gender Relations Survey of the Reserve Components shall each be conducted once every two years. The surveys may be conducted within the same year or in two separate years, and shall be conducted in a manner designed to reduce the burden of the surveys on members of the armed forces.

''(2) The two Armed Forces Workplace and Equal Opportunity Surveys shall be conducted at least once every four years. The surveys may be conducted within the same year or in two separate years, and shall be conducted in a manner designed to reduce the burden of the surveys on members of the armed forces.

''(3)(A) The Secretary of Defense may postpone the conduct of a survey under this section if the Secretary determines that conducting such survey is not practicable due to a war or national emergency declared by the President or Congress.

''(B) The Secretary shall ensure that a survey postponed under subparagraph (A) is conducted as soon as practicable after the end of the period of war or national emergency concerned, or earlier if the Secretary determines appropriate.

''(C) The Secretary shall notify Congress of a determination under subparagraph (A) not later than 30 days after the date on which the Secretary makes such determination.''.

(b) CADETS AND MIDSHIPMEN.—

(1) UNITED STATES MILITARY ACADEMY.—Section 7461(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3)(A) The Secretary of Defense may postpone the conduct of an assessment under this subsection if the Secretary determines that conducting such assessment is not practicable due to a war or national emergency declared by the President or Congress.

''(B) The Secretary of Defense shall ensure that an assessment postponed under subparagraph (A) is conducted as soon as practicable after the end of the period of war or national emergency concerned, or earlier if the Secretary determines appropriate.

''(C) The Secretary of Defense shall notify Congress of a determination under subparagraph (A) not later than 30 days after the date on which the Secretary makes such determination.''.

(2) UNITED STATES NAVAL ACADEMY.—Section 8480(c) of such title is amended by adding at the end the following new paragraph:

''(3)(A) The Secretary of Defense may postpone the conduct of an assessment under this subsection if the Secretary determines that conducting such assessment is not practicable due to a war or national emergency declared by the President or Congress.

''(B) The Secretary of Defense shall ensure that an assessment postponed under subparagraph (A) is conducted as soon as practicable after the end of the period of war or national emergency concerned, or earlier if the Secretary determines appropriate.

''(C) The Secretary of Defense shall notify Congress of a determination under subparagraph (A) not later than 30 days after the date on which the Secretary makes such determination.''.

(3) UNITED STATES AIR FORCE ACADEMY.—Section 9461(c) of such title is amended by adding at the end the following new paragraph:

''(3)(A) The Secretary of Defense may postpone the conduct of an assessment under this subsection if the Secretary determines that conducting such assessment is not practicable due to a war or national emergency declared by the President or Congress.

''(B) The Secretary of Defense shall ensure that an assessment postponed under subparagraph (A) is conducted as soon as practicable after the end of the period of war or national emergency concerned, or earlier if the Secretary determines appropriate.

''(C) The Secretary of Defense shall notify Congress of a determination under subparagraph (A) not later than 30 days after the date on which the Secretary makes such determination.''.

(c) DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.—Section 481a of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d) POSTPONEMENT.—(1) The Secretary of Defense may postpone the conduct of a survey under this section if the Secretary determines that conducting such survey is not practicable due to a war or national emergency declared by the President or Congress.

''(2) The Secretary shall ensure that a survey postponed under paragraph (1) is conducted as soon as practicable after the end of the period of war or national emergency concerned, or earlier if the Secretary determines appropriate.

''(3) The Secretary shall notify Congress of a determination under paragraph (1) not later than 30 days after the date on which the Secretary makes such determination.''.

SEC. 588. SUNSET AND TRANSFER OF FUNCTIONS OF THE PHYSICAL DISABILITY BOARD OF REVIEW.

Section 1554a of title 10, United States Code, is amended by adding at the end the following new subsection:

''(g) SUNSET.—(1) On or after October 1, 2020, the Secretary of Defense may sunset the Physical Disability Board of Review under this section.

''(2) If the Secretary sunsets the Physical Disability Board of Review under paragraph (1), the Secretary shall transfer any remaining requests for review pending at that time, and shall assign any new requests for review under this section, to a board for the correction of military records operated by the Secretary concerned under section 1552 of this title..

''(3) Subsection (c)(4) shall not apply with respect to any review conducted by a board for the correction of military records under paragraph (2).''.

SEC. 589. EXTENSION OF REPORTING DEADLINE FOR THE ANNUAL REPORT ON THE ASSESSMENT OF THE EFFECTIVENESS OF ACTIVITIES OF THE FEDERAL VOTING ASSISTANCE PROGRAM.

(a) ELIMINATION OF REPORTS FOR NON-ELECTION YEARS.—Section 105A(b) of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20308(b)) is amended, in the matter preceding paragraph (1)—

(1) by striking ''March 31 of each year'' and inserting ''September 30 of each odd-numbered year''; and

(2) by striking ''the following information'' and inserting ''the following information with respect to the Federal elections held during the preceding calendar year''.

(b) CONFORMING AMENDMENTS.—Subsection (b) of section 105A of such Act (52 U.S.C. 20308(b)) is amended—

(1) in the subsection heading, by striking ''ANNUAL REPORT'' and inserting ''BIENNIAL REPORT''; and

(2) in paragraph (3), by striking ''In the case of'' and all that follows through ''a description'' and inserting ''A description''.

SEC. 590. PILOT PROGRAMS ON REMOTE PROVISION BY NATIONAL GUARD TO STATE GOVERNMENTS AND NATIONAL GUARDS OF OTHER STATES OF CYBERSECURITY TECHNICAL ASSISTANCE IN TRAINING, PREPARATION, AND RESPONSE TO CYBER INCIDENTS.

(a) PILOT PROGRAMS AUTHORIZED.—The Secretary of the Army and the Secretary of the Air Force may each, in consultation with the Chief of the National Guard Bureau, conduct a pilot program to assess the feasibility and advisability of the development of a capability within the National Guard through which a National Guard of a State remotely provides State governments and National Guards of other States (whether or not in the same Armed Force as the providing National Guard) with cybersecurity technical assistance in training, preparation, and response to cyber incidents. If such Secretary elects to conduct such a pilot program, such Secretary shall be known as an ''administering Secretary'' for purposes of this section, and any reference in this section to ''the pilot program'' shall be treated as a reference to the pilot program conducted by such Secretary.

(b) ASSESSMENT PRIOR TO COMMENCEMENT.—For purposes of evaluating existing platforms, technologies, and capabilities under subsection (c), and for establishing eligibility and participation requirements under subsection (d), for purposes of the pilot program, an administering Secretary, in consultation with the Chief of the National Guard Bureau, shall, prior to commencing the pilot program—

(1) conduct an assessment of—

(A) existing cyber response capacities of the Army National Guard or Air National Guard, as applicable, in each State; and

(B) any existing platform, technology, or capability of a National Guard that provides the capability described in subsection (a); and

(2) determine whether a platform, technology, or capability described in paragraph (1)(B) is suitable for expansion for purposes of the pilot program.

(c) ELEMENTS.—A pilot program under subsection (a) shall include the following:

(1) A technical capability that enables the National Guard of a State to remotely provide cybersecurity technical assistance to State governments and National Guards of other States, without the need to deploy outside its home State.

(2) Policies, processes, procedures, and authorities for use of such a capability, including with respect to the following:

(A) The roles and responsibilities of both requesting and deploying State governments and National Guards with respect to such technical assistance, taking into account the matters specified in subsection (f).

(B) Necessary updates to the Defense Cyber Incident Coordinating Procedure, or any other applicable Department of Defense instruction, for purposes of implementing the capability.

(C) Program management and governance structures for deployment and maintenance of the capability.

(D) Security when performing remote support, including such in matters such as authentication and remote sensing.

(3) The conduct, in coordination with the Chief of the National Guard Bureau and the Secretary of Homeland Security and in consultation with the Director of the Federal Bureau of Investigation, other Federal agencies, and appropriate non-Federal entities, of at least one exercise to demonstrate the capability, which exercise shall include the following:

(A) Participation of not fewer than two State governments and their National Guards.

(B) Circumstances designed to test and validate the policies, processes, procedures, and authorities developed pursuant to paragraph (2).

(C) An after action review of the exercise.

(d) USE OF EXISTING TECHNOLOGY.—An administering Secretary may use an existing platform, technology, or capability to provide the capability described in subsection (a) under the pilot program.

(e) ELIGIBILITY AND PARTICIPATION REQUIREMENTS.—An administering Secretary shall, in consultation with the Chief of the National Guard Bureau, establish requirements with respect to eligibility and participation of State governments and their National Guards in the pilot program.

(f) CONSTRUCTION WITH CERTAIN CURRENT AUTHORITIES.—

(1) COMMAND AUTHORITIES.—Nothing in a pilot program under subsection (a) may be construed as affecting or altering the command authorities otherwise applicable to any unit of the National Guard unit participating in the pilot program.

(2) EMERGENCY MANAGEMENT ASSISTANCE COMPACT.—Nothing in a pilot program may be construed as affecting or altering any current agreement under the Emergency Management Assistance Compact, or any other State agreements, or as determinative of the future content of any such agreement.

(g) EVALUATION METRICS.—An administering Secretary shall, in consultation with the Chief of the National Guard Bureau and the Secretary of Homeland Security, establish metrics to evaluate the effectiveness of the pilot program.

(h) TERM.—A pilot program under subsection (a) shall terminate on the date that is three years after the date of the commencement of the pilot program.

(i) REPORTS.—

(1) INITIAL REPORT.—Not later than 180 days after the date of the commencement of the pilot program, the administering Secretary shall submit to the appropriate committees of Congress a report setting forth a

description of the pilot program and such other matters in connection with the pilot program as the Secretary considers appropriate.

(2) FINAL REPORT.—Not later than 180 days after the termination of the pilot program, the administering Secretary shall submit to the appropriate committees of Congress a report on the pilot program. The report shall include the following:

(A) A description of the pilot program, including any partnerships entered into by the Chief of the National Guard Bureau under the pilot program.

(B) A summary of the assessment performed prior to the commencement of the pilot program in accordance with subsection (b).

(C) A summary of the evaluation metrics established in accordance with subsection (g).

(D) An assessment of the effectiveness of the pilot program, and of the capability described in subsection (a) under the pilot program.

(E) A description of costs associated with the implementation and conduct of the pilot program.

(F) A recommendation as to the termination or extension of the pilot program, or the making of the pilot program permanent with an expansion nationwide.

(G) An estimate of the costs of making the pilot program permanent and expanding it nationwide in accordance with the recommendation in subparagraph (F).

(H) Such recommendations for legislative or administrative action as the Secretary considers appropriate in light of the pilot program.

(3) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Armed Services and the Committee on Homeland Security of the House of Representatives.

(j) STATE DEFINED.—In this section, the term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

SEC. 591. PLAN ON PERFORMANCE OF FUNERAL HONORS DETAILS BY MEMBERS OF OTHER ARMED FORCES WHEN MEMBERS OF THE ARMED FORCE OF THE DECEASED ARE UNAVAILABLE.

(a) BRIEFING ON PLAN.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall provide a briefing to the Committees on Armed Services of the Senate and the House of Representatives setting forth a plan for the performance of a funeral honors detail at the funeral of a deceased member of the Armed Forces by one or more members of the Armed Forces from an Armed Force other than that of the deceased when—

(A) members of the Armed Force of the deceased are unavailable for the performance of the detail; and

(B) the performance of the detail by members of other Armed Forces is requested by the family of the deceased.

(2) REPEAL OF REQUIREMENT FOR ONE MEMBER OF ARMED FORCE OF DECEASED IN DETAIL.—Section 1491(b)(2) of title 10, United States Code, is amended in the first sentence by striking '', at least one of whom shall be a member of the armed force of which the veteran was a member''.

(3) PERFORMANCE.—The plan required by paragraph (1) shall authorize the performance of funeral honors details by members of the Army National Guard and the Air National Guard under section 115 of title 32, United States Code, and may authorize the remainder of such details to consist of members of veterans organizations or other organizations approved for purposes of section 1491 of title 10, United States Code, as provided for by subsection (b)(2) of such section 1491.

(b) ELEMENTS.—The briefing under subsection (a) shall include a description in detail the authorities and requirements for the implementation of the plan, including administrative, logistical, coordination, and funding authorities and requirements.

SEC. 592. LIMITATION ON IMPLEMENTATION OF ARMY COMBAT FITNESS TEST.

The Secretary of the Army may not implement the Army Combat Fitness Test until the Secretary receives results of a study, conducted for purposes of this section by an entity independent of the Department of Defense, on the following:

(1) The extent, if any, to which the test would adversely impact members of the Army stationed or deployed to climates or areas with conditions that make prohibitive the conduct of outdoor physical training on a frequent or sustained basis.

(2) The extent, if any, to which the test would affect recruitment and retention in critical support military occupational specialties (MOS) of the Army, such as medical personnel.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. REORGANIZATION OF CERTAIN ALLOWANCES OTHER THAN TRAVEL AND TRANSPORTATION ALLOWANCES.

(a) PER DIEM FOR DUTY OUTSIDE THE CONTINENTAL UNITED STATES.—

(1) TRANSFER TO CHAPTER 7.—Section 475 of title 37, United States Code, is transferred to chapter 7 of such title, inserted after section 403b, and redesignated as section 405.

(2) REPEAL OF TERMINATION PROVISION.—Section 405 of title 37, United States Code, as added by paragraph (1), is amended by striking subsection (f).

(3) RETITLING OF AUTHORITY.—The heading of section 405 of title 37, United States Code, as so added, is amended to read as follows:

''§ 405. Per diem while on duty outside the continental United States''.

(b) ALLOWANCE FOR FUNERAL HONORS DUTY.—

(1) TRANSFER TO CHAPTER 7.—Section 495 of title 37, United States Code, is transferred to chapter 7 of such title, inserted after section 433a, and redesignated as section 435.

(2) REPEAL OF TERMINATION PROVISION.—Section 435 of title 37, United States Code, as added by paragraph (1), is amended by striking subsection (c).

(c) CLERICAL AMENDMENTS.—

(1) CHAPTER 7.—The table of sections at the beginning of chapter 7 of such title 37, United States Code, is amended—

(A) by inserting after the item relating to section 403b the following new item:

''405. Per diem while on duty outside the continental United States.'';

and

(B) by inserting after the item relating to section 433a the following new item:

''435. Funeral honors duty: allowance.''.

(2) CHAPTER 8.—The table of sections at the beginning of chapter 8 of such title is amended by striking the items relating to sections 475 and 495.

SEC. 602. HAZARDOUS DUTY PAY FOR MEMBERS OF THE ARMED FORCES PERFORMING DUTY IN RESPONSE TO THE CORONAVIRUS DISEASE 2019.

(a) IN GENERAL.—The Secretary of the military department concerned shall pay hazardous duty pay under this section to a member of a regular or reserve component of the Armed Forces who—

(1) performs duty in response to the Coronavirus Disease 2019 (COVID–19); and

(2) is entitled to basic pay under section 204 of title 37, United States Code, or compensation under section 206 of such title, for the performance of such duty.

(b) REGULATIONS.—Hazardous duty pay shall be payable under this section in accordance with regulations prescribed by the Secretary of Defense. Such regulations shall specify the duty in response to the Coronavirus Disease 2019 qualifying a member for payment of such pay under this section.

(c) AMOUNT.—The amount of hazardous duty pay paid a member under this section shall be such amount per month, not less than $150 per month, as the Secretary of Defense shall specify in the regulations under subsection (b).

(d) MONTHLY PAYMENT; NO PRORATION.—

(1) MONTHLY PAYMENT.—Hazardous duty pay under this section shall be paid on a monthly basis.

(2) NO PRORATION.—Hazardous duty pay is payable to a member under this section for a month if the member performs any duty in that month qualifying the person for payment of such pay.

(e) MONTHS FOR WHICH PAYABLE.—Hazardous duty pay is payable under this section for qualifying duty performed in months occurring during the period—

(1) beginning on January 1, 2020; and

(2) ending on December 31, 2020.

(f) CONSTRUCTION WITH OTHER PAY.—Hazardous duty pay payable to a member under this section is in addition to the following:

(1) Any other pay and allowances to which the member is entitled by law.

(2) Any other hazardous duty pay to which the member is entitled under section 351 of title 37, United States Code (or any other provision of law), for duty that also constitutes qualifying duty for payment of such pay under this section.

(g) SENSE OF SENATE.—It is the sense of the Senate that the Secretary of Defense should also authorize hazardous duty pay for members of the Armed Forces not under orders specific to the response to the Coronavirus Disease 2019 who provide—

(1) healthcare in a military medical treatment facility for individuals infected with the Coronavirus Disease 2019; or

(2) technical or administrative support for the provision of healthcare as described in paragraph (1).

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. ONE-YEAR EXTENSION OF CERTAIN EXPIRING BONUS AND SPECIAL PAY AUTHORITIES.

(a) AUTHORITIES RELATING TO RESERVE FORCES.—Section 910(g) of title 37, United States Code, relating to income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service, is amended by striking ''December 31, 2020'' and inserting ''December 31, 2021''.

(b) TITLE 10 AUTHORITIES RELATING TO HEALTH CARE PROFESSIONALS.—The following sections of title 10, United States Code, are amended by striking ''December 31, 2020'' and inserting ''December 31, 2021'':

(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, 2020'' and inserting ''December 31, 2021''.

(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, 2020'' and inserting ''December 31, 2021'':

(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, 2020'' and inserting ''December 31, 2021''.

SEC. 612. INCREASE IN SPECIAL AND INCENTIVE PAYS FOR OFFICERS IN HEALTH PROFESSIONS.

(a) ACCESSION BONUS GENERALLY.—Subparagraph (A) of section 335(e)(1) of title 37, United States Code, is amended by striking ''$30,000'' and inserting ''$100,000''.

(b) ACCESSION BONUS FOR CRITICALLY SHORT WARTIME SPECIALTIES.—Subparagraph (B) of such section is amended by striking ''$100,000'' and inserting ''$200,000''.

(c) RETENTION BONUS.—Subparagraph (C) of such section is amended by striking ''$75,000'' and inserting ''$150,000''.

(d) INCENTIVE PAY.—Subparagraph (D) of such section is amended—

(1) in clause (i), by striking ''$100,000'' and inserting ''$200,000''; and

(2) in clause (ii), by striking ''$15,000'' and inserting ''$50,000''.

(e) BOARD CERTIFICATION PAY.—Subparagraph (E) of such section is amended by striking ''$6,000'' and inserting ''$15,000''.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2020, and shall apply with respect to special bonus and incentive pays payable under section 335 of title 37, United States Code, pursuant to agreements entered into under that section on or after that date.

Subtitle C—Disability Pay, Retired Pay, and Survivor Benefits

SEC. 621. INCLUSION OF DRILL OR TRAINING FOREGONE DUE TO EMERGENCY TRAVEL OR DUTY RESTRICTIONS IN COMPUTATIONS OF ENTITLEMENT TO AND AMOUNTS OF RETIRED PAY FOR NON-REGULAR SERVICE.

(a) ENTITLEMENT TO RETIRED PAY.—Section 12732(a)(2) of title 10, United States Code, is amended—

(1) by inserting after subparagraph (E) the following new subparagraph:

''(F)(i) Subject to regulations prescribed by the Secretary of Defense or the Secretary of Homeland Security with respect to matters concerning the Coast Guard when it is not operating as a service in the Department of the Navy, one point for each day of active service or one point for each drill or period of equivalent instruction that was prescribed by the Secretary concerned to be performed during the covered emergency period, if such person was prevented from performing such duty due to travel or duty restrictions imposed by the President, the Secretary of Defense, or the Secretary of Homeland Security with respect to the Coast Guard.

''(ii) A person may not be credited more than 35 points in a one-year period under this subparagraph.

''(iii) In this subparagraph, the term 'covered emergency period' means the period beginning on March 1, 2020, and ending on the day that is 60 days after the date on which the travel or duty restriction applicable to the person concerned is lifted.''; and

(2) in the matter following subparagraph (F), as inserted by paragraph (1), by striking ''and (E)'' and inserting ''(E), and (F)''.

(b) AMOUNT OF RETIRED PAY.—Section 12733(3) of such title is amended in the matter preceding subparagraph (A), by striking ''or (D)'' and inserting ''(D), or (F)''.

SEC. 622. MODERNIZATION AND CLARIFICATION OF PAYMENT OF CERTAIN RESERVES WHILE ON DUTY.

(a) CHANGE IN PRIORITY OF PAYMENTS FOR RETIRED OR RETAINER PAY.—Subsection (a) of section 12316 of title 10, United States Code, is amended—

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

(A) by striking ''subsection (b)'' and inserting ''subsection (c)''; and

(B) by striking ''his earlier military service'' and inserting ''the Reserve's earlier military service'';

(C) by striking ''a pension, retired or retainer pay, or disability compensation'' and inserting ''retired or retainer pay''; and

(D) by striking ''he is entitled'' and inserting ''the Reserve is entitled''; and

(2) by striking paragraphs (1) and (2) and inserting the following new paragraphs:

''(1) the pay and allowances authorized by law for the duty that the Reserve is performing; or

''(2) if the Reserve specifically waives those payments, the retired or retainer pay to which the Reserve is entitled because of the Reserve's earlier military service.''.

(b) PAYMENTS FOR PENSION OR DISABILITY COMPENSATION.—Such section is further amended—

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

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

''(b) Except as provided by subsection (c), a Reserve of the Army, Navy, Air Force, Marine Corps, or Coast Guard who because of the Reserve's earlier military service is entitled to a pension or disability compensation, and who performs duty for which the Reserve is entitled to compensation, may elect to receive for that duty either—

''(1) the pension or disability compensation to which the Reserve is entitled because of the Reserve's earlier military service; or

''(2) if the Reserve specifically waives those payments, the pay and allowances authorized by law for the duty that the Reserve is performing.''.

(c) ADDITIONAL CONFORMING AND MODERNIZING AMENDMENTS.—Subsection (c) of such section, as redesignated by subsection (b)(1) of this section, is amended—

(1) by striking ''(a)(2)'' both places it appears and inserting ''(a)(1) or (b)(2), as applicable,'';

(2) by striking ''his earlier military service'' the first place it appears and inserting ''a Reserve's earlier military service'';

(3) by striking ''his earlier military service'' each other place it appears and inserting ''the Reserve's earlier military service'';

(4) by striking ''he is entitled'' and inserting ''the Reserve is entitled''; and

(5) by striking ''the member or his dependents'' and inserting ''the Reserve or the Reserve's dependents''.

(d) PROCEDURES.—Such section is further amended by adding at the end the following new subsection:

''(d) The Secretary of Defense shall prescribe regulations under which a Reserve of the Army, Navy, Air Force, Marine Corps, or Coast Guard may waive the pay and allowances authorized by law for the duty the Reserve is performing under subsection (a)(2) or (b)(2).''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

Subtitle D—Other Matters

SEC. 631. PERMANENT AUTHORITY FOR AND ENHANCEMENT OF THE GOVERNMENT LODGING PROGRAM.

(a) PERMANENT AUTHORITY.—Section 914 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (5 U.S.C. 5911 note) is amended—

(1) in subsection (a), by striking '', for the period of time described in subsection (b),''; and

(2) by striking subsection (b).

(b) EXCLUSION OF CERTAIN SHIPYARD EMPLOYEES.—Such section is further amended by inserting after subsection (a) the following new subsection (b):

''(b) EXCLUSION OF CERTAIN SHIPYARD EMPLOYEES.—In carrying out a Government lodging program under the authority in subsection (a), the Secretary shall exclude from the requirements of the program employees who are traveling for the performance of mission functions of a public shipyard of the Department if the purpose or mission of such travel would be adversely affected by the requirements of the program.''.

(c) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

''SEC. 914. GOVERNMENT LODGING PROGRAM.''.

SEC. 632. APPROVAL OF CERTAIN ACTIVITIES BY RETIRED AND RESERVE MEMBERS OF THE UNIFORMED SERVICES.

(a) CLARIFICATION OF ACTIVITIES FOR WHICH APPROVAL REQUIRED.—Section 908 of title 37, United States Code, is amended—

(1) in subsection (a)—

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

(i) by striking ''subsection (b)'' and inserting ''subsections (b) and (c)''; and

(ii) by inserting '', accepting payment for speeches, travel, meals, lodging, or registration fees, or accepting a non-cash award,'' after ''that employment)''; and

(B) in paragraph (2), by striking ''armed forces'' and inserting ''armed forces, except members serving on active duty under a call or order to active duty for a period in excess of 30 days'';

(2) in the heading of subsection (b), by inserting ''FOR EMPLOYMENT AND COMPENSATION'' after ''APPROVAL REQUIRED'';

(3) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

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

''(c) APPROVAL REQUIRED FOR CERTAIN PAYMENTS AND AWARDS.—A person described in subsection (a) may accept payment for speeches, travel, meals, lodging, or registration fees described in that subsection, or accept a non-cash award described in that subsection, only if the Secretary concerned approves the payment or award.''.

(b) ANNUAL REPORTS ON APPROVALS.—Subsection (d) of such section, as redesignated by subsection (a)(3) of this section, is amended—

(1) by inserting ''(1)'' before ''Not later than'';

(2) in paragraph (1), as designated by paragraph (1) of this subsection, by inserting '', and each approval under subsection (c) for a

payment or award described in subsection (a),'' after ''in subsection (a)''; and

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

''(2) The report under paragraph (1) on an approval described in that paragraph with respect to an officer shall set forth the following:

''(A) The foreign government providing the employment or compensation or payment or award.

''(B) The duties, if any, to be performed in connection with the employment or compensation or payment or award.

''(C) The total amount of compensation, if any, or payment to be provided.''.

(c) CONFORMING AMENDMENTS.—

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

''§ 908. Reserves and retired members: acceptance of employment, payments, and awards from foreign governments''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 17 of such title is amended by striking the item relating to section 908 and inserting the following new item:

''908. Reserves and retired members: acceptance of employment, payments, and awards from foreign governments.''.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—TRICARE and Other Health Care Benefits

SEC. 701. AUTHORITY FOR SECRETARY OF DEFENSE TO MANAGE PROVIDER TYPE REFERRAL AND SUPERVISION REQUIREMENTS UNDER TRICARE PROGRAM.

Section 1079(a)(12) of title 10, United States Code, is amended, in the first sentence, by striking ''or certified clinical social worker,'' and inserting ''certified clinical social worker, or other class of provider as designated by the Secretary of Defense,''.

SEC. 702. REMOVAL OF CHRISTIAN SCIENCE PROVIDERS AS AUTHORIZED PROVIDERS UNDER THE TRICARE PROGRAM.

(a) REPEAL.—Subsection (a) of section 1079 of title 10, United States Code, is amended by striking paragraph (4).

(b) CONFORMING AMENDMENT.—Paragraph (12) of such subsection is amended, in the first sentence, by striking '', except as authorized in paragraph (4)''.

SEC. 703. WAIVER OF FEES CHARGED TO CERTAIN CIVILIANS FOR EMERGENCY MEDICAL TREATMENT PROVIDED AT MILITARY MEDICAL TREATMENT FACILITIES.

Section 1079b of title 10, United States Code, is amended—

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

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

''(b) WAIVER OF FEES.—Under the procedures implemented under subsection (a), a military medical treatment facility may waive a fee charged under such procedures to a civilian who is not a covered beneficiary if—

''(1) after insurance payments, if any, the civilian is not able to pay for the trauma or other medical care provided to the civilian; and

''(2) the provision of such care enhanced the medical readiness of the health care provider or health care providers furnishing such care.''.

SEC. 704. MENTAL HEALTH RESOURCES FOR MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS DURING THE COVID–19 PANDEMIC.

(a) PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop a plan to protect and promote the mental health and well-being of members of the Armed Forces and their dependents, which shall include the following:

(1) A strategy to combat existing stigma surrounding mental health conditions that might deter such individuals from seeking care.

(2) Guidance to commanding officers at all levels on the mental health ramifications of the COVID–19 crisis.

(3) Additional training and support for mental health care professionals of the Department of Defense on supporting individuals who are concerned for the health of themselves and their family members, or grieving the loss of loved ones due to COVID–19.

(4) A strategy to leverage telemedicine to ensure safe access to mental health services.

(b) OUTREACH.—The Secretary of Defense shall conduct outreach to the military community to identify resources and health care services, including mental health care services, available under the TRICARE program to support members of the Armed Forces and their dependents.

(c) DEFINITIONS.—In this section, the terms ''dependent'' and ''TRICARE program'' have the meanings given those terms in section 1072 of such title.

SEC. 705. TRANSITIONAL HEALTH BENEFITS FOR CERTAIN MEMBERS OF THE NATIONAL GUARD SERVING UNDER ORDERS IN RESPONSE TO THE CORONAVIRUS (COVID–19).

(a) IN GENERAL.—The Secretary of Defense shall provide to a member of the National Guard separating from active service after serving on full-time National Guard duty pursuant to section 502(f) of title 32, United States Code, the health benefits authorized under section 1145 of title 10, United States Code, for a member of a reserve component separating from active duty, as referred to in subsection (a)(2)(B) of such section 1145, if the active service from which the member of the National Guard is separating was in support of the whole of government response to the coronavirus (COVID–19).

(b) DEFINITIONS.—In this section, the terms ''active duty'', ''active service'', and ''full-time National Guard duty'' have the meanings given those terms in section 101(d) of title 10, United States Code.

SEC. 706. EXTRAMEDICAL MATERNAL HEALTH PROVIDERS DEMONSTRATION PROJECT.

(a) DEMONSTRATION PROJECT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall commence the conduct of a demonstration project designed to evaluate the cost, quality of care, and impact on maternal and fetal outcomes of using extramedical maternal health providers under the TRICARE program to determine the appropriateness of making coverage of such providers under the TRICARE program permanent.

(b) ELEMENTS OF DEMONSTRATION PROJECT.—The demonstration project under subsection (a) shall include, for participants in the demonstration project, the following:

(1) Access to doulas.

(2) Access to lactation consultants who are not otherwise authorized to provide services under the TRICARE program.

(c) PARTICIPANTS.—The Secretary shall establish a process under which covered beneficiaries may enroll in the demonstration project in order to receive the services provided under the demonstration project.

(d) DURATION.—The Secretary shall carry out the demonstration project for a period of five years beginning on the date on which notification of the commencement of the demonstration project is published in the Federal Register.

(e) SURVEY.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter for the duration of the demonstration project, the Secretary shall administer a survey to determine—

(A) how many members of the Armed Forces or spouses of such members give birth while their spouse or birthing partner is unable to be present due to deployment, training, or other mission requirements;

(B) how many single members of the Armed Forces give birth alone; and

(C) how many members of the Armed Forces or spouses of such members use doula support or lactation consultants.

(2) MATTERS COVERED BY THE SURVEY.—The survey administered under paragraph (1) shall include an identification of the following:

(A) The race, ethnicity, age, sex, relationship status, military service, military occupation, and rank, as applicable, of each individual surveyed.

(B) If individuals surveyed were members of the Armed Forces or the spouses of such members, or both.

(C) The length of advanced notice received by individuals surveyed that the member of the Armed Forces would be unable to be present during the birth, if applicable.

(D) Any resources or support that the individuals surveyed found useful during the pregnancy and birth process, including doula or lactation counselor support.

(f) REPORTS.—

(1) IMPLEMENTATION PLAN.—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 plan to implement the demonstration project.

(2) ANNUAL REPORT.—

(A) IN GENERAL.—Not later than one year after the commencement of the demonstration project, and annually thereafter for the duration of the demonstration project, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the cost of the demonstration project and the effectiveness of the demonstration project in improving quality of care and the maternal and fetal outcomes of covered beneficiaries enrolled in the demonstration project.

(B) MATTERS COVERED.—Each report submitted under subparagraph (A) shall address, at a minimum, the following:

(i) The number of covered beneficiaries who are enrolled in the demonstration project.

(ii) The number of enrolled covered beneficiaries who have participated in the demonstration project.

(iii) The results of the surveys under subsection (f).

(iv) The cost of the demonstration project.

(v) An assessment of the quality of care provided to participants in the demonstration project.

(vi) An assessment of the impact of the demonstration project on maternal and fetal outcomes.

(vii) An assessment of the effectiveness of the demonstration project.

(viii) Recommendations for adjustments to the demonstration project.

(ix) The estimated costs avoided as a result of improved maternal and fetal health outcomes due to the demonstration project.

(x) Recommendations for extending the demonstration project or implementing permanent coverage under the TRICARE program of extramedical maternal health providers.

(xi) An identification of legislative or administrative action necessary to make the demonstration project permanent.

(C) FINAL REPORT.—The final report under subparagraph (A) shall be submitted not later than 90 days after the termination of the demonstration project.

(g) EXPANSION OF DEMONSTRATION PROJECT.—

(1) REGULATIONS.—If the Secretary determines that the demonstration project is successful, the Secretary may prescribe regulations to include extramedical maternal health providers as health care providers authorized to provide care under the TRICARE program.

(2) CREDENTIALING AND OTHER REQUIREMENTS.—The Secretary may establish credentialing and other requirements for doulas and lactation consultants through public notice and comment rulemaking for purposes of including doulas and lactation consultations as health care providers authorized to provide care under the TRICARE program pursuant to regulations prescribed under paragraph (1).

(h) DEFINITIONS.—In this section:

(1) EXTRAMEDICAL MATERNAL HEALTH PROVIDER.—The term ''extramedical maternal health provider'' means a doula or lactation consultant.

(2) COVERED BENEFICIARY; TRICARE PROGRAM.—The terms ''covered beneficiary'' and ''TRICARE program'' have the meanings given those terms in section 1072 of title 10, United States Code.

SEC. 707. PILOT PROGRAM ON RECEIPT OF NON-GENERIC PRESCRIPTION MAINTENANCE MEDICATIONS UNDER TRICARE PHARMACY BENEFITS PROGRAM.

(a) REQUIREMENT.—The Secretary of Defense shall carry out a pilot program under which eligible covered beneficiaries may elect to receive non-generic prescription maintenance medications selected under subsection (c) through military treatment facility pharmacies, retail pharmacies, or the national mail-order pharmacy program, notwithstanding section 1074g(a)(9) of title 10, United States Code.

(b) DURATION.—The Secretary shall carry out the pilot program for a three-year period beginning not later than March 1, 2021.

(c) SELECTION OF MEDICATION.—The Secretary shall select non-generic prescription maintenance medications described in section 1074g(a)(9)(C)(i) of title 10, United States Code, to be covered by the pilot program.

(d) USE OF VOLUNTARY REBATES.—

(1) REQUIREMENT.—In carrying out the pilot program, the Secretary shall seek to renew and modify contracts described in paragraph (2) in a manner that—

(A) includes for purposes of the pilot program retail pharmacies as a point of sale for the non-generic prescription maintenance medication covered by the contract; and

(B) provides the manufacturer with the option to provide voluntary rebates for such medications at retail pharmacies.

(2) CONTRACTS DESCRIBED.—The contracts described in this paragraph are contracts for the procurement of non-generic prescription maintenance medications selected under subsection (c) that are eligible for renewal during the period in which the pilot program is carried out.

(e) NOTIFICATION.—In providing each eligible covered beneficiary with an explanation of benefits, the Secretary shall notify the beneficiary of whether the medication that the beneficiary is prescribed is covered by the pilot program.

(f) BRIEFING AND REPORTS.—

(1) BRIEFING.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall brief the congressional defense committees on the implementation of the pilot program.

(2) INTERIM REPORT.—Not later than 18 months after the commencement of the pilot program, the Secretary shall submit to the congressional defense committees a report on the pilot program.

(3) COMPTROLLER GENERAL REPORT.—

(A) IN GENERAL.—Not later than March 1, 2024, the Comptroller General of the United States shall submit to the congressional defense committees a report on the pilot program.

(B) ELEMENTS.—The report required by subparagraph (A) shall include the following:

(i) The number of eligible covered beneficiaries who participated in the pilot program and an assessment of the satisfaction of such beneficiaries with the pilot program.

(ii) The rate by which eligible covered beneficiaries elected to receive non-generic prescription maintenance medications at a retail pharmacy pursuant to the pilot program, and how such rate affected military treatment facility pharmacies and the national mail-order pharmacy program.

(iii) The amount of cost savings realized by the pilot program, including with respect to—

(I) dispensing fees incurred at retail pharmacies compared to the national mail-order pharmacy program for brand name prescription drugs;

(II) administrative fees;

(III) any costs paid by the United States for the drugs in addition to the procurement costs;

(IV) the use of military treatment facilities; and

(V) copayments paid by eligible covered beneficiaries.

(iv) A comparison of supplemental rebates between retail pharmacies and other points of sale.

(g) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect the ability of the Secretary to carry out section 1074g(a)(9)(C) of title 10, United States Code, after the date on which the pilot program is completed.

(h) DEFINITIONS.—In this section:

(1) The term ''eligible covered beneficiary'' has the meaning given that term in section 1074g(i) of title 10, United States Code.

(2) The terms ''military treatment facility pharmacies'', ''retail pharmacies'', and ''the national mail-order pharmacy program'' mean the methods for receiving prescription drugs as described in clauses (i), (ii), and (iii), respectively, of section 1074g(a)(2)(E) of title 10, United States Code.

Subtitle B—Health Care Administration

SEC. 721. MODIFICATIONS TO TRANSFER OF ARMY MEDICAL RESEARCH AND DEVELOPMENT COMMAND AND PUBLIC HEALTH COMMANDS TO DEFENSE HEALTH AGENCY.

(a) DELAY OF TRANSFER.—

(1) IN GENERAL.—Section 1073c(e) of title 10, United States Code, is amended, in the matter preceding paragraph (1), by striking ''September 30, 2022'' and inserting ''September 30, 2024''.

(2) CONFORMING AMENDMENTS.—Section 737 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended, in subsections (a) and (c), by striking ''September 30, 2022'' and inserting ''September 30, 2024'' each place it appears.

(b) MODIFICATION TO RESOURCES PRESERVED.—Such section 737 is amended—

(1) in the section heading, by striking ''**RESOURCES**'' and inserting ''**INFRASTRUCTURE AND PERSONNEL**''; and

(2) in subsection (a)—

(A) by striking ''resources'' and inserting ''infrastructure and personnel''; and

(B) by striking '', which shall include manpower and funding, at not less than the level of such resources''.

(c) ELIMINATION OF TRANSFER OF FUNDS.—Such section 737 is further amended by—

(1) striking subsection (b); and

(2) redesignating subsection (c) as subsection (b).

(d) CHANGE OF NAME OF COMMAND.—

(1) DELAY OF TRANSFER.—Section 1073c(e)(1)(B) of title 10, United States Code, is amended by striking ''Materiel'' and inserting ''Development''.

(2) PRESERVATION OF INFRASTRUCTURE AND PERSONNEL.—Section 737 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended—

(A) in the section heading, by striking ''**MATERIEL**'' and inserting ''**DEVELOPMENT**''; and

(B) by striking ''Materiel'' each place it appears and inserting ''Development''.

(e) CLERICAL AMENDMENT.—The table of contents for the National Defense Authorization Act for Fiscal Year 2020 is amended by striking the item relating to section 737 and inserting the following new item:

''Sec. 737. Preservation of infrastructure and personnel of the Army Medical Research and Development Command and continuation as Center of Excellence.''.

SEC. 722. DELAY OF APPLICABILITY OF ADMINISTRATION OF TRICARE DENTAL PLANS THROUGH FEDERAL EMPLOYEES DENTAL AND VISION INSURANCE PROGRAM.

Section 713(c) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 5 U.S.C. 8951 note) is amended by striking ''January 1, 2022'' and inserting ''January 1, 2023''.

SEC. 723. AUTHORITY OF SECRETARY OF DEFENSE TO WAIVE REQUIREMENTS DURING NATIONAL EMERGENCIES FOR PURPOSES OF PROVISION OF HEALTH CARE.

(a) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1073d the following new section:

''§ 1073e. Authority to waive requirements during national emergencies

''(a) PURPOSE.—The purpose of this section is to enable the Secretary of Defense to ensure, to the maximum extent feasible, in an emergency area during an emergency period—

''(1) that sufficient authorized health care items and services are available to meet the needs of covered beneficiaries in such area eligible for the programs under this chapter; and

''(2) that private sector health care providers authorized under the TRICARE program that furnish such authorized items and services in good faith may be reimbursed for such items and services absent any determination of fraud or abuse.

''(b) AUTHORITY.—

''(1) IN GENERAL.—To the extent necessary to accomplish the purpose specified in subsection (a), the Secretary, subject to the provisions of this section, may, for a period of 60 days, waive or modify the application of the requirements of this chapter or any regulation prescribed thereunder with respect to health care items and services furnished by a health care provider (or class of health care providers) in an emergency area (or portion of such area) during an emergency period (or portion of such period), including by deferring the termination of status of a covered beneficiary.

''(2) RENEWAL.—The Secretary may renew a waiver or modification under paragraph (1) for subsequent 60-day periods during the duration of the applicable emergency declaration.

''(c) IMPLEMENTATION.—The Secretary may implement any temporary waiver or modification made pursuant to this section by program instruction or otherwise.

''(d) RETROACTIVE APPLICATION.—A waiver or modification made pursuant to this section with respect to an emergency period may, at the discretion of the Secretary, be made retroactive to the beginning of the emergency period or any subsequent date in such period specified by the Secretary.

''(e) SATISFACTION OF PRECONDITIONS FOR STATUS AS COVERED BENEFICIARY.—A deferral under subsection (b) of termination of status of a covered beneficiary may be contingent upon retroactive satisfaction by such beneficiary of any premium or enrollment fee payments or other preconditions for such status.

''(f) CERTIFICATION.—

''(1) IN GENERAL.—Not later than two days before exercising a waiver or modification under subsection (b)(1) or renewing a waiver or modification under subsection (b)(2), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a certification and advance written notice regarding the authority to be exercised.

''(2) MATTERS INCLUDED.—Certification and advanced written notice required under paragraph (1) shall include—

''(A) a description of—

''(i) the specific provisions of law that will be waived or modified;

''(ii) the health care providers to whom the waiver or modification will apply;

''(iii) the geographic area in which the waiver or modification will apply; and

''(iv) the period of time for which the waiver or modification will be in effect; and

''(B) a certification that the waiver or modification is necessary to carry out the purpose specified in subsection (a).

''(g) TERMINATION OF WAIVER.—A waiver or modification of requirements pursuant to this section terminates upon the termination of the applicable emergency declaration.

''(h) REPORT.—Not later than one year after the end of an emergency period during which the Secretary exercised the authority under this section, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the approaches used to accomplish the purpose described in subsection (a), including an evaluation of such approaches and recommendations for improved approaches should the need for the exercise of such authority arise in the future.

''(i) DEFINITIONS.—In this section:

''(1) EMERGENCY AREA.—The term 'emergency area' means a geographical area covered by an emergency declaration.

''(2) EMERGENCY DECLARATION.—The term 'emergency declaration' means—

''(A) an emergency or disaster declared by the President pursuant to the National Emergencies Act (50 U.S.C. 1601 et seq.) or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); or

''(B) a public health emergency declared pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d).

''(3) EMERGENCY PERIOD.—The term 'emergency period' means the period covered by an emergency declaration.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by inserting after the item relating to section 1073d the following new item:

''1073e. Authority to waive requirements during national emergencies.''.

Subtitle C—Reports and Other Matters

SEC. 741. EXTENSION OF AUTHORITY FOR JOINT DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION FUND.

Section 1704(e) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2573), as most recently amended by section 732(4)(B) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), is further amended by striking ''September 30, 2021'' and inserting ''September 30, 2022''.

SEC. 742. MEMBERSHIP OF BOARD OF REGENTS OF UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

(a) IN GENERAL.—Section 2113a(b) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

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

''(3) the Director of the Defense Health Agency, who shall be an ex officio member;''.

(b) RULE OF CONSTRUCTION.—The amendments made by this section may not be construed to invalidate any action taken by the Uniformed Services University of the Health Sciences or its Board of Regents prior to the effective date of this section.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2021.

SEC. 743. MILITARY HEALTH SYSTEM CLINICAL QUALITY MANAGEMENT PROGRAM.

(a) IN GENERAL.—The Secretary of Defense, acting through the Director of the Defense Health Agency, shall implement a comprehensive program to be known as the ''Military Health System Clinical Quality Management Program'' (in this section referred to as the ''Program'').

(b) ELEMENTS OF PROGRAM.—The Program shall include, at a minimum, the following:

(1) The implementation of systematic procedures to eliminate, to the maximum extent feasible, risk of harm to patients at military medical treatment facilities, including through identification, investigation, and analysis of events indicating a risk of patient harm and corrective action plans to mitigate such risks.

(2) With respect to a potentially compensable event (including those involving members of the Armed Forces) at a military medical treatment facility—

(A) an analysis of such event, which shall occur and be documented as soon as possible after the event;

(B) use of such analysis for clinical quality management; and

(C) reporting of such event to the National Practitioner Data Bank in accordance with guidelines of the Secretary of Health and Human Services under the Health Care Quality Improvement Act of 1986 (42 U.S.C. 11101 et seq.), giving special emphasis to the results of external peer reviews of the event.

(3) Validation of provider credentials and granting of clinical privileges by the Director of the Defense Health Agency for all health care providers at a military medical treatment facility.

(4) Accreditation of military medical treatment facilities by a recognized external accreditation body.

(5) Systematic measurement of indicators of health care quality, emphasizing clinical outcome measures, comparison of such indicators with benchmarks from leading health care quality improvement organizations, and transparency with the public of appropriate clinical measurements for military medical treatment facilities.

(6) Systematic activities emphasized by leadership at all organizational levels to use all elements of the Program to eliminate unwanted variance throughout the health care system of the Department of Defense and make constant improvements in clinical quality.

(7) A full range of procedures for productive communication between patients and health care providers regarding actual or perceived adverse clinical events at military medical treatment facilities, including procedures—

(A) for full disclosure of such events (respecting the confidentiality of peer review information under a medical quality assurance program under section 1102 of title 10, United States Code);

(B) providing an opportunity for the patient to be heard in relation to quality reviews; and

(C) to resolve patient concerns by independent, neutral healthcare resolution specialists.

(c) ADDITIONAL CLINICAL QUALITY MANAGEMENT ACTIVITIES.—

(1) IN GENERAL.—In addition to the elements of the Program set forth in subsection (b), the Secretary shall establish and maintain clinical quality management activities in relation to functions of the health care system of the Department separate from delivery of health care services in military medical treatment facilities.

(2) HEALTH CARE DELIVERY OUTSIDE MILITARY MEDICAL TREATMENT FACILITIES.—In carrying out paragraph (1), the Secretary shall maintain policies and procedures to promote clinical quality in health care delivery on ships and planes, in deployed settings, and in all other circumstances not covered by subsection (b), with the objective of implementing standards and procedures comparable, to the extent practicable, to those under such subsection.

(3) PURCHASED CARE SYSTEM.—In carrying out paragraph (1), the Secretary shall maintain policies and procedures for health care services provided outside the Department but paid for by the Department, reflecting best practices by public and private health care reimbursement and management systems.

(d) MILITARY MEDICAL TREATMENT FACILITY DEFINED.—In this section, the term ''military medical treatment facility'' means any fixed facility or portion thereof of the Department of Defense that is outside of a deployed environment and used primarily for health care.

SEC. 744. MODIFICATIONS TO PILOT PROGRAM ON CIVILIAN AND MILITARY PARTNERSHIPS TO ENHANCE INTEROPERABILITY AND MEDICAL SURGE CAPABILITY AND CAPACITY OF NATIONAL DISASTER MEDICAL SYSTEM.

Section 740 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended—

(1) in subsection (a)—

(A) by striking ''The Secretary of Defense may'' and inserting ''Beginning not later than September 30, 2021, the Secretary of Defense shall''; and

(B) by striking ''health care organizations, institutions, and entities'' and inserting ''health care organizations, health care institutions, health care entities, academic medical centers of institutions of higher education, and hospitals''; and

(C) by striking ''in the vicinity of major aeromedical and other transport hubs and logistics centers of the Department of Defense'';

(2) by striking subsection (c) and inserting the following new subsections:

''(c) LEAD OFFICIAL FOR DESIGN AND IMPLEMENTATION OF PILOT PROGRAM.—

''(1) IN GENERAL.—The Assistant Secretary of Defense for Health Affairs shall be the

lead official for design and implementation of the pilot program under subsection (a).

''(2) RESOURCES.—The Assistant Secretary of Defense for Health Affairs shall leverage the resources of the Defense Health Agency for execution of the pilot program under subsection (a) and shall coordinate with the Chairman of the Joint Chiefs of Staff throughout the planning and duration of the pilot program.

''(d) LOCATIONS.—

''(1) IN GENERAL.—The Secretary of Defense shall carry out the pilot program under subsection (a) at not fewer than five locations in the United States that are located at or near locations with established expertise in disaster health preparedness and response and trauma care that augment and enhance the effectiveness of the pilot program.

''(2) PHASED SELECTION OF LOCATIONS.—

''(A) INITIAL SELECTION.—Not later than the earlier of the date that is 180 days after the date of the enactment of this Act or March 31, 2021, the Assistant Secretary of Defense for Health Affairs, in consultation with the Secretary of Veterans Affairs, the Secretary of Health and Human Services, the Secretary of Homeland Security, and the Secretary of Transportation, shall select not fewer than two locations at which to carry out the pilot program.

''(B) SUBSEQUENT SELECTION.—Not later than the end of each one-year period following selection of locations under subparagraph (A), the Assistant Secretary of Defense for Health Affairs, in consultation with the Secretary of Veterans Affairs, the Secretary of Health and Human Services, the Secretary of Homeland Security, and the Secretary of Transportation, shall select not fewer than two additional locations at which to carry out the pilot program until not fewer than five locations are selected in total.

''(3) CONSIDERATION AND PRIORITY FOR LOCATIONS.—In selecting locations for the pilot program under subsection (a), the Secretary shall—

''(A) consider—

''(i) the proximity of the location to civilian or military transportation hubs, including airports, railways, interstate highways, or ports;

''(ii) the ability of the location to accept a redistribution of casualties during times of war;

''(iii) the ability of the location to provide trauma care training opportunities for medical personnel of the Department of Defense; and

''(iv) the proximity of the location to existing academic medical centers of institutions of higher education, facilities of the Department, or other institutions that have established expertise in the areas of—

''(I) highly infectious disease;

''(II) biocontainment;

''(III) quarantine;

''(IV) trauma care;

''(V) combat casualty care;

''(VI) the National Disaster Medical System under section 2812 of the Public Health Service Act (42 U.S.C. 300hh–11);

''(VII) disaster health preparedness and response;

''(VIII) medical and public health management of biological, chemical, radiological, or nuclear hazards; or

''(IX) such other areas of expertise as the Secretary considers appropriate; and

''(B) give priority to public-private partnerships with academic medical centers of institutions of higher education, hospitals, and other entities with facilities that have an established history of providing clinical care, treatment, training, and research in the areas described in subparagraph (A)(ii) or other specializations determined important by the Secretary for purposes of the pilot program.'';

(3) by redesignating subsections (d) through (f) as subsections (e) through (g), respectively;

(4) in subsection (g), as redesignated by paragraph (3)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''the commencement of the pilot program under subsection (a)'' and inserting ''the initial selection of locations for the pilot program under subsection (d)(2)(A)''; and

(ii) in subparagraph (B)—

(I) in clause (ii), by striking ''subsection (d)'' and inserting ''subsection (e)'';

(II) in clause (iii), by striking ''subsection (e)'' and inserting ''subsection (f)''; and

(B) in paragraph (2)(B)(iv), by striking ''the authority for''; and

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

''(h) INSTITUTION OF HIGHER EDUCATION DEFINED.—In this section, the term 'institution of higher education' means a four-year institution of higher education, as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).''.

SEC. 745. STUDY ON FORCE MIX OPTIONS AND SERVICE MODELS TO ENHANCE READINESS OF MEDICAL FORCE OF THE ARMED FORCES TO PROVIDE COMBAT CASUALTY CARE.

(a) STUDY REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall seek to enter into an agreement with a federally funded research and development center or other independent entity to perform a study on force mix options and service models (including traditional and nontraditional active and reserve models) to optimize the readiness of the medical force of the Armed Forces to deliver combat care on the battlefield.

(b) ISSUES TO BE ADDRESSED.—The study required by subsection (a) shall include, at a minimum—

(1) with respect to options relating to members of the Armed Forces on active duty—

(A) a review of existing models for such members who are medical professionals to support clinical readiness skills by serving in civilian trauma centers;

(B) an assessment of the extent to which existing models can be optimized, standardized, and scaled to address current readiness shortfalls; and

(C) an evaluation of the cost and effectiveness of alternative models for such members who are medical professionals to serve in civilian trauma centers; and

(2) with respect to options relating to members of the reserve components of the Armed Forces—

(A) a review of existing models for such members of the reserve components who are medical professionals to support clinical readiness skills by serving in civilian trauma centers;

(B) an assessment of the extent to which existing models can be optimized, standardized, and scaled to address current readiness shortfalls; and

(C) an evaluation of the cost and effectiveness of alternative models for such members of the reserve components who are medical professionals to serve in civilian trauma centers.

(c) REPORT.—Not later than 15 months 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 findings and recommendations of the independent study required by subsection (a).

SEC. 746. COMPTROLLER GENERAL STUDY ON DELIVERY OF MENTAL HEALTH SERVICES TO MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study on the delivery of Federal, State, and private mental health services to members of the reserve components.

(b) ELEMENTS.—The study conducted under subsection (a) shall—

(1) identify all programs, coverage, and costs associated with services described in such subsection;

(2) specify gaps or barriers to access that could result in delayed or insufficient mental health care support to members of the reserve components.

(3) evaluate the mental health screening requirements for members of the reserve components immediately before, during, and after—

(A) Federal deployment under title 10, United States Code; or

(B) State deployment under title 32, United States Code; and

(4) provide recommendations when practicable to strengthen the reintegration of members of the reserve components, including an assessment of the effectiveness of making programming mandatory.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the study conducted under subsection (a).

(d) RESERVE COMPONENT DEFINED.—In this section, the term ''reserve component'' means a reserve component of the Armed Forces named in section 10101 of title 10, United States Code.

SEC. 747. REVIEW AND REPORT ON PREVENTION OF SUICIDE AMONG MEMBERS OF THE ARMED FORCES STATIONED AT REMOTE INSTALLATIONS OUTSIDE THE CONTIGUOUS UNITED STATES.

(a) REVIEW REQUIRED.—The Comptroller General of the United States shall conduct a review of efforts by the Department of Defense to prevent suicide among members of the Armed Forces stationed at covered installations.

(b) ELEMENTS OF REVIEW.—The review conducted under subsection (a) shall include an assessment of each of the following:

(1) Current policy guidelines of the Armed Forces on the prevention of suicide among members of the Armed Forces stationed at covered installations.

(2) Current suicide prevention programs of the Armed Forces and activities for members of the Armed Forces stationed at covered installations and their dependents, including programs provided by the Defense Health Program and the Office of Suicide Prevention.

(3) The integration of mental health screenings and suicide risk and prevention efforts for members of the Armed Forces stationed at covered installations and their dependents into the delivery of primary care for such members and dependents.

(4) The standards for responding to attempted or completed suicides among members of the Armed Forces stationed at covered installations and their dependents, including guidance and training to assist commanders in addressing incidents of attempted or completed suicide within their units.

(5) The standards regarding data collection for members of the Armed Forces stationed at covered installations and their dependents, including related factors such as domestic violence and child abuse.

(6) The means to ensure the protection of privacy of members of the Armed Forces stationed at covered installations and their dependents who seek or receive treatment related to suicide prevention.

(7) The availability of information from indigenous populations on suicide prevention for members of the Armed Forces stationed at covered installations who are members of such a population.

(8) The availability of information from graduate research programs of institutions of higher education on suicide prevention for members of the Armed Forces.

(9) Such other matters as the Comptroller General considers appropriate in connection with the prevention of suicide among members of the Armed Forces stationed at covered installations and their dependents.

(c) BRIEFING AND REPORT.—The Comptroller General shall—

(1) not later than October 1, 2021, brief the Committees on Armed Services of the Senate and the House of Representatives on preliminary observations relating to the review conducted under subsection (a); and

(2) not later than March 1, 2022, submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the results of such review.

(d) COVERED INSTALLATION DEFINED.—In this section, the term ''covered installation'' means a remote installation of the Department of Defense outside the contiguous United States.

SEC. 748. AUDIT OF MEDICAL CONDITIONS OF TENANTS IN PRIVATIZED MILITARY HOUSING.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Inspector General of the Department of Defense shall commence the conduct of an audit of the medical conditions of eligible individuals and the association between adverse exposures of such individuals in unsafe or unhealthy housing units and the health of such individuals.

(b) CONTENT OF AUDIT.—The audit conducted under subsection (a) shall—

(1) determine the percentage of units of privatized military housing that are unsafe or unhealthy housing units;

(2) study the adverse exposures of eligible individuals that relate to residing in an unsafe or unhealthy housing unit and the effect of such exposures on the health of such individuals; and

(3) determine the association, to the extent permitted by available scientific data, and provide quantifiable data on such association, between such adverse exposures and the occurrence of a medical condition in eligible individuals residing in unsafe or unhealthy housing units.

(c) CONDUCT OF AUDIT.—The Inspector General of the Department shall conduct the audit under subsection (a) using the same privacy preserving guidelines used by the Inspector General in conducting other audits of health records.

(d) SOURCE OF DATA.—In conducting the audit under subsection (a), the Inspector General of the Department shall use—

(1) de-identified data from electronic health records of the Department;

(2) records of claims under the TRICARE program (as defined in section 1072(7) of title 10, United States Code); and

(3) such other data as determined necessary by the Inspector General.

(e) SUBMITTAL AND PUBLIC AVAILABILITY OF REPORT.—Not later than one year after the commencement of the audit under subsection (a), the Inspector General of the Department shall—

(1) submit to the Secretary of Defense and the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the audit conducted under subsection (a); and

(2) publish such report on a publicly available internet website of the Department of Defense.

(f) DEFINITIONS.—In this section:

(1) ELIGIBLE INDIVIDUAL.—The term ''eligible individual'' means a member of the Armed Forces or a family member of a member of the Armed Forces who has resided in an unsafe or unhealthy housing unit.

(2) PRIVATIZED MILITARY HOUSING.—The term ''privatized military housing'' means military housing provided under subchapter IV of chapter 169 of title 10, United States Code.

(3) UNSAFE OR UNHEALTHY HOUSING UNIT.—The term ''unsafe or unhealthy housing unit'' means a unit of privatized military housing in which, at any given time, at least one of the following hazards is present:

(A) Physiological hazards, including the following:

(i) Dampness or microbial growth.

(ii) Lead-based paint.

(iii) Asbestos or manmade fibers.

(iv) Ionizing radiation.

(v) Biocides.

(vi) Carbon monoxide.

(vii) Volatile organic compounds.

(viii) Infectious agents.

(ix) Fine particulate matter.

(B) Psychological hazards, including ease of access by unlawful intruders or lighting issues.

(C) Poor ventilation.

(D) Safety hazards.

(E) Other hazards as determined by the Inspector General of the Department.

SEC. 749. COMPTROLLER GENERAL STUDY ON PRENATAL AND POSTPARTUM MENTAL HEALTH CONDITIONS AMONG MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study on prenatal and postpartum mental health conditions among members of the Armed Forces and dependents of such members.

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

(A) An assessment of the extent to which beneficiaries under the TRICARE program, including members of the Armed Forces and dependents of such members, are diagnosed with prenatal or postpartum mental health conditions, including—

(i) prenatal or postpartum depression;

(ii) prenatal or postpartum anxiety disorder;

(iii) prenatal or postpartum obsessive compulsive disorder;

(iv) prenatal or postpartum psychosis; and

(v) other relevant mood disorders.

(B) A demographic assessment of the population included in the study with respect to race, ethnicity, sex, age, relationship status, military service, military occupation, and rank, where applicable.

(C) An assessment of the status of prenatal and postpartum mental health care for beneficiaries under the TRICARE program, including those who seek care at military medical treatment facilities and those who rely on civilian providers.

(D) An assessment of the ease or delay for beneficiaries under the TRICARE program in obtaining treatment for prenatal and postpartum mental health conditions, including—

(i) an assessment of wait times for mental health treatment at each military medical treatment facility; and

(ii) a description of the reasons such beneficiaries may cease seeking such treatment.

(E) A comparison of the rates of prenatal or postpartum mental health conditions within the military community to such rates in the civilian population, as reported by the Centers for Disease Control and Prevention.

(F) An assessment of any effects of implicit or explicit bias in prenatal and postpartum mental health care under the TRICARE program, or evidence of racial or socioeconomic barriers to such care.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the findings of the study conducted under subsection (a), including—

(1) recommendations for actions to be taken by the Secretary of Defense to improve prenatal and postpartum mental health among members of the Armed Forces and dependents of such members; and

(2) such other recommendations as the Comptroller General determines appropriate.

(c) DEFINITIONS.—In this section, the terms ''dependent'' and ''TRICARE program'' have the meanings given those terms in section 1072 of title 10, United States Code.

SEC. 750. PLAN FOR EVALUATION OF FLEXIBLE SPENDING ACCOUNT OPTIONS FOR MEMBERS OF THE UNIFORMED SERVICES AND THEIR FAMILIES.

(a) IN GENERAL.—Not later than March 1, 2021, the Secretary of Defense shall submit to the congressional defense committees a plan to evaluate flexible spending account options that allow pre-tax payment of health and dental insurance premiums, out-of-pocket health care expenses, and dependent care expenses for members of the uniformed services and their family members, including an identification of any legislative or administrative barriers to achieving the implementation of such options.

(b) UNIFORMED SERVICES DEFINED.—In this section, the term ''uniformed services'' has the meaning given that term in section 101 of title 37, United States Code.

SEC. 751. ASSESSMENT OF RECEIPT BY CIVILIANS OF EMERGENCY MEDICAL TREATMENT AT MILITARY MEDICAL TREATMENT FACILITIES.

(a) ASSESSMENT.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall complete an assessment of the provision by the Department of Defense of emergency medical treatment to civilians who are not covered beneficiaries at military medical treatment facilities during the period beginning on October 1, 2015, and ending on September 30, 2020.

(b) ELEMENTS OF ASSESSMENT.—The assessment completed under subsection (a) shall include, with respect to civilians who received emergency medical treatment at a military medical treatment facility during the period specified in such paragraph, the following:

(1) The total fees charged to such civilians for such treatment and the total fees collected.

(2) The amount of medical debt from such treatment that was garnished from such civilians, categorized by garnishment from Social Security benefits, tax refunds, wages, or other financial asset.

(3) The number of such civilians from whom medical debt from such treatment was garnished.

(4) The total fees for such treatment that were waived for such civilians.

(5) With respect to medical debt incurred by such civilians from such treatment—

(A) the amount of such debt that was collected by the Department of Defense;

(B) the amount of such debt still owed to the Department; and

(C) the amount of debt transferred from the Department of Defense to the Department of the Treasury for collection.

(6) The number of such civilians from whom such medical debt was collected who did not possess medical insurance at the time of such treatment.

(7) The number of such civilians from whom such medical debt was collected who collected Social Security benefits at the time of such treatment.

(8) The number of such civilians from whom such medical debt was collected who, at the time of such treatment, earned—

(A) less than the poverty line;

(B) less than 200 percent of the poverty line;

(C) less than 300 percent of the poverty line; and

(D) less than 400 percent of the poverty line.

(9) An assessment of the process through which military medical treatment facilities seek to recover unpaid medical debt from such civilians, including whether the Department of Defense contracts with private debt collectors to recover such unpaid medical debt.

(10) An assessment of the process, if any, through which such civilians can apply to have medical debt for such treatment waived, forgiven, canceled, or otherwise determined to not be a financial obligation of the civilian.

(11) Such other information as the Comptroller General determines appropriate.

(c) REPORT.—Not later than 180 days after the completion of the assessment under subsection (a), the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the results of the assessment.

(d) DEFINITIONS.—In this section:

(1) CIVILIAN.—The term ''civilian'' means an individual who is not—

(A) a member of the Armed Forces;

(B) a contractor of the Department of Defense; or

(C) a civilian employee of the Department.

(2) COVERED BENEFICIARY.—The term ''covered beneficiary'' has the meaning given that term in section 1072(5) of title 10, United States Code.

(3) POVERTY LINE.—The term ''poverty line'' has the meaning given that term in section 673 of the Community Services Block Grant Act (42 U.S.C. 9902).

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

Subtitle A—Industrial Base Matters

SEC. 801. POLICY RECOMMENDATIONS FOR IMPLEMENTATION OF EXECUTIVE ORDER 13806 (ASSESSING AND STRENGTHENING THE MANUFACTURING AND DEFENSE INDUSTRIAL BASE AND SUPPLY CHAIN RESILIENCY).

(a) SUBMISSION OF RECOMMENDATIONS TO SECRETARY OF DEFENSE.—In order to fully implement the July 21, 2017, Presidential Executive Order on Assessing and Strengthening the Manufacturing and Defense Industrial Base and Supply Chain Resiliency of the United States, not later than 540 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition and Sustainment shall submit to the Secretary of Defense a series of recommendations regarding United States industrial policies. The recommendations shall consist of specific executive actions, programmatic changes, regulatory changes, and legislative proposals and changes, as appropriate.

(b) SCOPE OF ASSESSMENT.—In developing the recommendations required under subsection (a), the Under Secretary shall assess—

(1) direct subsidies and investment in the economy;

(2) direct provision of credit and purchases of private sector bonds and equity;

(3) prize-based technology challenges for critical research and development milestones;

(4) capital controls and dollar policy;

(5) trade policy, including export control policy, government acquisition policy, and targeted protectionist policies;

(6) export promotion policies;

(7) foreign talent attraction and retention;

(8) graduate education policy; and

(9) expansion of existing or establishment of new public-private partnerships, including the Trusted Capital Marketplace.

(c) OBJECTIVES.—The recommendations made pursuant to subsection (a) shall aim to—

(1) facilitate only high-value design, engineering, and manufacturing activities;

(2) expand the defense industrial base to include friendly and capable allies and partners;

(3) preserve the viability of domestic and international suppliers;

(4) include export and productivity incentives;

(5) accord with standing international trade law; and

(6) strengthen the domestic national security industrial base, especially in areas currently dependent on foreign suppliers.

(d) CONSULTATION.—In assessing the areas specified in subsection (b) and developing the recommendations required under subsection (a), the Under Secretary shall consult or inaugurate studies with, as appropriate, the Joint Industrial Base Working Group, the Defense Science Board, the Defense Innovation Board, economists, commercial industry, and federally funded research and development centers.

(e) SUBMISSION OF RECOMMENDATIONS TO PRESIDENT.—Not later than 30 days after receiving the recommendations under subsection (a), the Secretary of Defense shall submit the recommendations, together with any additional views or recommendations, to the President, the Office of Management and Budget, the National Security Council, and the National Economic Council.

(f) SUBMISSION OF RECOMMENDATIONS TO CONGRESS.—Not later than 30 days after submitting the recommendations to the President under section (e), the Secretary of Defense shall submit the recommendations to and brief the congressional defense committees on the recommendations.

SEC. 802. ASSESSMENT OF NATIONAL SECURITY INNOVATION BASE.

(a) IN GENERAL.—Not later than 540 days after the date of the enactment of this Act, the Deputy Secretary of Defense shall submit to the Secretary of Defense an assessment of the economic forces and structures shaping the capacity of the national security innovation base and policy recommendations pertaining to the outcome of such assessment.

(b) ELEMENTS.—The assessment required under subsection (a) shall review the following matters as they pertain to the innovative and manufacturing capacity of the national security innovation base:

(1) Competition and antitrust policy.

(2) Immigration policy, including the policies germane to the attraction and retention of skilled immigrants.

(3) Graduate education funding and policy.

(4) Demand stabilization and social safety net policies.

(5) The structure and incentives of financial markets and businesses' access to credit.

(6) Trade policy, including export control policy.

(7) The tax code and its effect on investment, including the Federal research and development tax credit.

(8) Deregulation in critical economic sectors, land use, environment review, and construction and manufacturing activities.

(9) National economic and manufacturing infrastructure.

(10) Intellectual property reform.

(11) Federally funded investments in the economy, including research and development and advanced manufacturing.

(12) Federally funded procurement of goods and services.

(13) Federally funded investments to expand domestic manufacturing capabilities.

(c) ENGAGEMENT WITH CERTAIN ENTITIES.—In conducting the assessment required under subsection (a), the Deputy Secretary shall engage through appropriate mechanisms with the Defense Science Board, the Defense Innovation Board, the Defense Business Board, academic experts, commercial industry, and federally funded research and development centers.

(d) SUBMISSION OF ASSESSMENT.—Not later than 30 days after receiving the assessment and recommendations under subsection (a), the Secretary of Defense shall submit the assessment, together with recommendations and any additional views of the Secretary, to the President, the Office of Management and Budget, the National Security Council, the National Economic Council, and the congressional defense committees.

SEC. 803. IMPROVING IMPLEMENTATION OF POLICY PERTAINING TO THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.

(a) NATIONAL TECHNOLOGY AND INDUSTRIAL BASE IMPLEMENTATION.—

(1) ASSESSMENT OF RESEARCH AND DEVELOPMENT, MANUFACTURING, AND PRODUCTION CAPABILITIES.—

(A) IN GENERAL.—In developing the strategy required by section 2501 of title 10, United States Code, carrying out the analysis of the national technology and industrial base required by section 2503 of such title, and performing the periodic assessments required under section 2505 of such title, the Secretary of Defense shall, in consultation with the Under Secretary of Defense for Acquisition and Sustainment and the Under Secretary of Research and Engineering, assess the research and development, manufacturing, and production capabilities of entities within the United States and non-United States members of the national technology and industrial base as well as other friendly nations.

(B) IDENTIFICATION OF SPECIFIC TECHNOLOGIES, COMPANIES, LABORATORIES, AND FACTORIES.—The assessment shall include identification of specific technologies, companies, laboratories, and factories of or located in the United States and the non-United States members of the national technology and industrial base of potential value to current and future Department of Defense plans and programs.

(2) POLICY AND GUIDANCE.—Consistent with section 2440 of title 10, United States Code, the Under Secretary of Defense for Acquisition and Sustainment shall develop and promulgate to the service and command acquisition executives, the heads of the appropriate defense agencies and field activities, and relevant program managers acquisition policy and guidance germane to the use of the research and development, manufacturing, and production capabilities identified pursuant to paragraph (1)(B) and the technologies, companies, laboratories, and factories in specific Department of Defense research and development, international cooperative research, procurement, and sustainment activities.

(b) COOPERATIVE RESEARCH AND DEVELOPMENT.—

(1) AUTHORITY TO ENTER INTO COOPERATIVE RESEARCH AND DEVELOPMENT PROJECTS WITH

NATIONS IN THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.—Section 2350a(a)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

''(F) A nation in the National Technology and Industrial Base, as defined by section 2500 of title 10, United States Code.''.

(2) REGULATIONS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall revise the Department of Defense Supplement to the Federal Acquisition Regulation to conform with subparagraph (F) of section 2350a(a)(2) of title 10, United States Code, as added by paragraph (1).

(c) REGULATORY COUNCIL.—Section 2502 of title 10, United States Code, is amended by inserting after subsection (d) the following new subsection:

''(e) NATIONAL TECHNOLOGY AND INDUSTRIAL BASE REGULATORY COUNCIL.—

''(1) ESTABLISHMENT.—The Chairman of the National Defense Technology and Industrial Base Council shall work with the equivalent designees in the countries that comprise the national technology and industrial base to establish the National Technology and Industrial Base Regulatory Council.

''(2) MEETINGS.—The National Technology and Industrial Base Regulatory Council shall meet biannually to harmonize respective policies and regulations, and to propose new legislation and regulations that increase the integration between the policies, persons, and organizations comprising the national technology and industrial base.

''(3) DUTIES.—The National Technology and Industrial Base Regulatory Council shall—

''(A) address and review issues related to industrial security, supply chain security, cybersecurity, regulating foreign direct investment and foreign ownership, control and influence mitigation, market research, technology assessment, and research cooperation within public and private research and development organizations and universities, technology and export control measures, acquisition processes and oversight, and management best practices; and

''(B) establish a mechanism for national technology and industrial base members to raise disputes that arise within the national technology and industrial base at a government-to-government level.''.

(d) RECOMMENDATIONS FOR ADDITIONAL MEMBERS OF THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.—

(1) IN GENERAL.—The Secretary of Defense shall establish a process to consider the inclusion of additional member nations in the national technology and industrial base.

(2) ELEMENTS.—The process developed under paragraph (1) shall include—

(A) analysis of the national security costs and benefits to the United States and allies of the inclusion of such additional member nation in the national technology and industrial base;

(B) analysis of the economic costs and benefits to entities within the United States and allies of the inclusion of such additional member nation into the national technology and industrial base, including an assessment of—

(i) specific shortfalls in the technological and industrial capacities of current member nations of the national technology and industrial base that would be addressed by inclusion of such additional member nation; and

(ii) specific areas in the industrial bases of current member nations of the national technology and industrial base that would likely be impacted by additional competition if such additional nation were included in the national technology and industrial base; and

(C) analysis of other factors as determined relevant by the Secretary.

(3) RECOMMENDED LEGISLATION.—

(A) IN GENERAL.—The Secretary of Defense may submit legislative proposals to Congress to add new nations to the national technology and industrial base.

(B) ELEMENTS.—Proposals submitted pursuant to subparagraph (A) shall include the following elements:

(i) A summary of the analyses performed pursuant to subsection (d)(2).

(ii) A set of metrics to assess the national security and economic benefits that such inclusion is expected to accrue to entities within the United States and allied nations.

(4) REPORT.—Not later than 540 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report with recommendations regarding whether to include in the national technology and industrial base each country with which the United States maintains a mutual defense treaty, a reciprocal defense procurement agreement, or other defense cooperation agreement. The report shall be based on assessments conducted using the process established under paragraph (1) and shall include, for each country recommended for inclusion, the information specified in paragraph (3)(B).

SEC. 804. MODIFICATION OF FRAMEWORK FOR MODERNIZING ACQUISITION PROCESSES TO ENSURE INTEGRITY OF INDUSTRIAL BASE.

Section 2509 of title 10, United States Code, as added by section 845(a) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (A)—

(i) by inserting '', such as those identified through the Department of Defense's supply chain risk management process and by the Federal Acquisition Security Council, and'' after ''supply chain risks''; and

(ii) in clause (ii), by striking ''(other than optical transmission components)'';

(B) in subparagraph (C)—

(i) in clause (x), by striking ''; and'' and inserting a semicolon;

(ii) by redesignating clause (xi) as clause (xii); and

(iii) by inserting after clause (x) the following new clause:

''(xi) processes and procedures related to supply chain risk management, including those implemented pursuant to section 806 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 2304 note); and''; and

(C) by adding at the end the following new subparagraph:

''(E) Characterization and assessment of industrial base support policies, programs, and procedures, including—

''(i) limitations and acquisition guidance relevant to the national technology and industrial base (as defined in section 2500(1) of this title);

''(ii) limitations and acquisition guidance relevant to section 2533a of this title;

''(iii) the Industrial Base Analysis and Sustainment program, including direct support and common design activities;

''(iv) the Small Business Innovation Research program;

''(v) the Department of Defense Manufacturing Technology program;

''(vi) programs related to the Defense Production Act of 1950 (50 U.S.C. 4511 et seq.);

''(vii) the Trusted Capital Marketplace program; and

''(viii) programs in the military services.''; and

(2) in subsection (f)(2), by inserting '', and supporting policies, procedures, and guidance'' after ''pursuant to subsection (b)''.

SEC. 805. ASSESSMENTS OF INDUSTRIAL BASE CAPABILITIES AND CAPACITY.

(a) ASSESSMENTS.—The Secretary of Defense shall define intelligence and other information requirements, sources, and organizational responsibilities for assessing foreign adversary technological and industrial bases and conducting comparative analyses of such technological and industrial bases. The requirements, sources, and responsibilities shall include—

(1) examining the competitive advantages foreign adversaries are pursuing, including with respect to regulation, raw materials, educational capacity, labor, and capital accessibility;

(2) assessing relative cost, speed of product development, age and value of the installed capital base, leadership's technical competence and agility, nationally imposed inhibiting conditions, the availability of human and material resources, and the burdens of government oversight;

(3) a temporal evaluation of the competitive strengths and weaknesses of United States industry versus the directed priorities and capabilities of foreign adversary governments; and

(4) assessing any other issues that the Secretary of Defense determines appropriate.

(b) METHODOLOGY.—The Deputy Assistant Secretary of Defense for Industrial Policy shall incorporate inputs pursuant to subsection (a) as part of a methodology to continuously assess domestic and foreign industries, markets, and companies of significance to military and industrial advantage to identify supply chain vulnerabilities.

(c) REPORT.—

(1) IN GENERAL.—Not later than March 15, 2021, the Secretary of Defense shall submit to the congressional defense committees a report on efforts to establish the continuous assessment activity required under subsections (a) and (b).

(2) ELEMENTS.—The report submitted under paragraph (1) shall include a consideration of whether it would be appropriate to task some of the assessment work to an organization independent of the Department, and any recommendations regarding which organization should perform such work.

SEC. 806. ANALYSES OF CERTAIN MATERIALS AND TECHNOLOGY SECTORS FOR ACTION TO ADDRESS SOURCING AND INDUSTRIAL CAPACITY.

(a) ANALYSES REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense, acting through the Undersecretary for Acquisition and Sustainment and other appropriate officials, shall review the materials, processes, and technology sectors under subsection (c) to determine and develop appropriate actions, consistent with the policies, programs, and activities required under chapter 148 of title 10, United States Code, including—

(A) restricting procurement, with appropriate waivers for cost, emergency requirements, and non-availability of suppliers, including restricting procurement to—

(i) suppliers in the United States;

(ii) suppliers in the national technology and industrial base (as defined in section 2500(1) of title 10, United States Code);

(iii) suppliers in other allied nations; or

(iv) other suppliers;

(B) increasing investment to expand capacity or diversifying sources of supply or alternative approaches to addressing military requirements, through use of research and development or procurement activities and acquisition authorities;

(C) taking a combination of actions described under subparagraphs (A) and (B); or

(D) taking no actions, restrictions, or additional investment.

(2) CONSIDERATIONS.—The analyses conducted pursuant to paragraph (1) shall consider national security, economic, and treaty implications, as well as impacts on current and potential suppliers of goods and services.

(b) RECOMMENDATIONS.—The analyses conducted pursuant to subsection (a) shall be used to inform policy, agreements, guidance and reporting requirements under chapter 148 of title 10, United States Code, including—

(1) the annual report to Congress required under section 2504 of such title;

(2) the annual report on unfunded priorities of the national technology and industrial base required under section 2504a of such title;

(3) Department of Defense technology and industrial base policy guidance prescribed under section 2506 of such title;

(4) activities to modernize acquisition processes to ensure integrity of industrial base pursuant to section 2509 of such title;

(5) defense memoranda of understanding and related agreements considered in accordance with section 2531 of such title;

(6) other requirements as appropriate.

(c) MATERIALS, TECHNOLOGIES, AND PROCESSES OF INTEREST.—The Secretary of Defense shall prioritize undertaking analyses and making recommendations under this section for the following goods and services:

(1) Goods and services covered under existing restrictions, where a domestic non-availability determination has been made.

(2) Critical technologies identified in the National Defense Strategy.

(3) Technologies and sectors identified in reports required regarding the defense industrial base.

(4) Microelectronics.

(5) Printed circuit boards and other electronics components.

(6) Pharmaceuticals.

(7) Medical devices.

(8) Personal protective equipment.

(9) Rare earth materials.

(10) Synthetic graphite.

(11) Coal-based rayon carbon fibers.

SEC. 807. MICROELECTRONICS MANUFACTURING STRATEGY.

(a) IN GENERAL.—Not later than January 1, 2021, the Deputy Secretary of Defense, in consultation with the Under Secretary of Defense for Acquisition and Sustainment, the Under Secretary for Research and Engineering, and the Director of the Defense Advanced Research Projects Agency, shall submit to the Secretary of Defense and the Chairman of the Joint Chiefs of Staff a strategy to manufacture state-of-the art integrated circuits in the United States within a period of three to five years that includes a plan to explore and evaluate options for reestablishing microelectronics foundry services and the industrial capabilities associated with such services.

(b) ELEMENTS.—In developing the strategy required under subsection (a), the Under Secretary shall consider—

(1) multiple models of public-private partnerships to execute the strategy;

(2) processes and criteria for competitive selection of commercial companies, including companies headquartered in allied and partner countries, to provide design, foundry and assembly, and packaging services and to build and operate the industrial capabilities associated with such services;

(3) the role that the broader Federal Government should play in organizing and supporting the strategy, including any required direct or indirect funding support, or legislative and regulatory actions, including restricting procurements to domestic sources, and providing anti-trust and export control relief; and

(4) all potential funding sources and mechanisms for initial and sustaining investments.

(c) SUBMISSION OF STRATEGY TO PRESIDENT.—Not later February 1, 2021, the Secretary of Defense shall submit the strategy, together with any views and recommendations, and an estimated budget to implement the strategy, to the President, the National Security Council, and the National Economic Council.

(d) BRIEFING.—Not later than March 1, 2021, the Secretary of Defense shall submit the strategy to and brief the congressional defense committees on the strategy and the Secretary's recommendations.

SEC. 808. ADDITIONAL REQUIREMENTS PERTAINING TO PRINTED CIRCUIT BOARDS.

(a) PURCHASES.—Not later than one year after the date of enactment of this Act, the Secretary of Defense shall require for new contracts or other acquisition activities that contractors, or subcontractors at any tier, that provide covered printed circuit boards for use by the Department of Defense certify that, of the total value of the covered printed circuit boards provided by the contractor or subcontractor pursuant to a contract or subcontract with the Department of Defense, not less than the percentages set forth in subsection (b) were manufactured and assembled within a covered nation.

(b) IMPLEMENTATION.—

(1) ESTABLISHMENT OF REQUIRED PERCENTAGES.—In establishing the certification process under subsection (a), the Secretary shall establish and publish increasing percentages of values of the covered printed circuit boards under subsection (a) to be complied with by appropriate contractors and subcontractors, based on—

(A) assessment of covered nation capacity to supply printed circuit boards, over time;

(B) assessment of threats to national security capabilities from use of printed circuit boards from non-covered nations;

(C) economic benefits accrued by non-covered nations which would otherwise be accrued by covered nations;

(D) achieving a goal of production of 100 percent of manufacture and assembly of printed circuit boards in covered nations within ten years; and

(E) other criteria as determined appropriate.

(2) MINIMUM PERCENTAGES.—The percentages established by the Secretary under this subsection shall, in any case, be equal to or greater than, unless specifically directed by the Secretary for an individual contract or subcontract—

(A) 25 percent by October 1, 2023;

(B) 50 percent by October 1, 2025;

(C) 75 percent by October 1, 2029; and

(D) 100 percent by October 1, 2032.

(3) LIMITED EXCEPTIONS.—If the Secretary of Defense directs that a specific contract or subcontract is required to comply with a different percentage than those prescribed under this subsection, the Secretary shall notify the congressional defense committees not later than 30 days after such direction is issued, along with a rationale for the changed percentage.

(c) REMEDIATION.—In the event that a contractor or subcontractor is unable to complete the certification required under subsection (a), the Secretary may accept covered printed circuit boards from the contractor or subcontractor for an appropriate time period, not to exceed 18 months over a five-year period, while requiring the contractor to complete a remediation plan. Such a plan shall be submitted to the congressional defense committees and shall require the contractor or subcontractor to—

(1) audit its supply chain to identify any areas of security vulnerability and compliance with section 224 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 119–92); and

(2) meet the requirements of subsection (a) within in an expedited fashion after the initial missed certification deadline to address national security threats.

(d) WAIVER.—A contractor may request that the Secretary of Defense waive the requirement for certification, and the Secretary may grant such a waiver, if the Secretary has conclusively determined that—

(1) there are no significant national security concerns regarding counterfeiting, quality, or unauthorized access created by any covered printed circuit boards provided to the Department of Defense by the contractor in the fiscal year under the certification requirement or the previous fiscal year;

(2) the contractor is otherwise in compliance with all relevant cybersecurity provisions relating to members of the defense industrial base, including section 244 of the National Defense Authorization Act for Fiscal Year 2020; and

(3) the waiver is required to support national security needs, particularly with respect to acquisitions of commercial items.

(e) AVAILABILITY AND COST EXCEPTIONS.—Subsection (a) shall not apply to the extent that the Secretary of Defense or the Secretary of the military department concerned determines that covered printed circuit boards of satisfactory quality and sufficient quantity, in the required form, cannot be procured as and when needed from covered nations at reasonable cost, excluding comparisons with non-market economies, or in time to meet an operational requirement.

(f) DEFINITIONS.—In this section—

(1) the term ''covered printed circuit board'' means any printed circuit board that is a—

(A) noncommercial item; or

(B) commercial or commercially available off-the-shelf item that transmits or stores national security sensitive information for—

(i) telecommunications;

(ii) data communications;

(iii) data storage;

(iv) medical applications;

(v) networking;

(vi) fifth-generation cellular communications;

(vii) computing;

(viii) radar;

(ix) munitions; or

(x) any other system that the Secretary of Defense determines should be covered under this section; and

(2) the term ''covered nation'' means—

(A) the United States;

(B) a member nation of the national technology and industrial base under section 2500 of title 10, United States Code; or

(C) a nation that has agreed, in compliance with section 36 of the Arms Export Control Act (22 U.S.C. 2776) and section 2457 of title 10, United States Code—

(i) to comply with agreements with foreign governments requiring the United States to purchase supplies from foreign sources for the purposes of offsetting sales made by the United States Government or United States firms under approved programs serving defense requirements; or

(ii) along with the United States Government, to remove barriers to purchases of supplies produced in the other country or services performed by sources of the other country; or

(D) any country, other than the People's Republic of China, the Russian Federation, Iran, or the Democratic People's Republic of Korea, that the Secretary designates, upon a determination to be published in the Federal Register, that accepting covered printed circuit boards from which—

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

(ii) does not pose a significant risk to national security systems.

(g) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the Department of Defense from entering into a contract with an entity that connects to the facilities of a third party, for the purposes of backhaul, roaming, or interconnection arrangements, on the basis of the third party's noncompliance with the provisions of this section.

SEC. 809. STATEMENT OF POLICY WITH RESPECT TO SUPPLY OF STRATEGIC MINERALS AND METALS FOR DEPARTMENT OF DEFENSE PURPOSES.

(a) STATEMENT OF POLICY.—It is the policy of the United States that the Department of Defense shall pursue the following goals:

(1) Ensure, by 2030, secure sources of supply of strategic minerals and metals that will—

(A) fully meet the demands of the domestic defense industrial base;

(B) eliminate the dependence of the United States on unsecure sources of supply of strategic minerals and metals; and

(C) ensure that the Department of Defense is not reliant upon unsecure sources of supply for the processing or manufacturing of any strategic mineral and metal deemed essential to national security by the Secretary of Defense.

(2) Provide incentives for the defense industrial base to develop robust processing and manufacturing capabilities in the United States to refine strategic minerals and metals for Department of Defense purposes.

(3) Maintain secure sources of supply of strategic minerals and metals required to maintain current military requirements in the event that international supply chains are disrupted.

(4) Achieve the goals described in paragraphs (1) through (3) through, among other methods—

(A) the continued and expanded use of existing programs, such as the National Defense Stockpile administered by the Defense Logistics Agency; and

(B) the continued use of authorities under title III of the Defense Production Act of 1950 (50 U.S.C. 4531 et seq.).

(b) STRATEGIC MINERALS AND METALS.—For purposes of this section, strategic minerals and metals include critical minerals, as defined pursuant to Executive Order 13817.

SEC. 810. REPORT ON STRATEGIC AND CRITICAL MINERALS AND METALS.

(a) REPORT REQUIRED.—Not later than June 30, 2021, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of a study, conducted for purposes of this section, concerning strategic and critical minerals and metals and vulnerabilities in supply chains of such minerals and metals.

(b) STRATEGIC AND CRITICAL MINERALS AND METALS.—For purposes of this section, strategic and critical minerals and metals are minerals and metals, including rare earth elements, that are necessary to meet national defense and national security requirements, including supply chain resiliency, and for the economic security of the United States.

(c) ELEMENTS.—The study required for purposes of the report under subsection (a) shall do the following:

(1) Identify the strategic and critical minerals and metals that are currently utilized by the Department of Defense.

(2) To the extent practicable, identify the overall annual tonnage of each strategic or critical mineral or metal identified pursuant to paragraph (1) that was utilized by the Department during the 10-year period ending on December 31, 2020.

(3) Identify domestic and international sources for the strategic and critical minerals and metals identified pursuant to paragraph (1).

(4) Identify risks to access to the strategic and critical minerals and metals identified pursuant to paragraph (1) from supply chain disruptions due to geopolitical, economic, and other vulnerabilities.

(5) Evaluate the benefits of a robust domestic supply chain for providing strategic and critical minerals and metals to Department manufacturing supply chains in real time.

(6) Evaluate the effects of the use of waivers by the Department of Defense Strategic Materials Protection Board on the domestic supply of strategic and critical minerals and metals.

(7) Recommend policies and procedures for the Department to ensure a capability to secure strategic and critical minerals and metals necessary for emerging technologies such as anti-microbial products, minerals, and metals for use in medical equipment among other technologies.

(8) Identify improvements required to the National Defense Stockpile in order to ensure the Department has access to the strategic and critical minerals and metals identified pursuant to paragraph (1).

(9) Evaluate the domestic processing and manufacturing capacity needed to supply the Department with the strategic and critical minerals and metals identified pursuant to paragraph (1) in an economic and secure manner.

(10) In consultation with the United States Geological Survey, identify domestic locations already verified to contain large supplies of strategic and critical minerals and metals identified pursuant to paragraph (1) with existing commercial manufacturing interest.

(11) Address any other matter relating to strategic and critical minerals and metals that the Secretary considers appropriate.

(d) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 811. STABILIZATION OF SHIPBUILDING INDUSTRIAL BASE WORKFORCE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Department of the Navy must explore and identify solutions, in consultation with the Department of Labor, to enhance shipbuilding workforce stability and ensure industry preparedness to construct the 355-ship fleet.

(b) WORKING GROUP TO STABILIZE SHIPBUILDING INDUSTRIAL BASE WORKFORCE.—

(1) IN GENERAL.—The Secretary of the Navy shall form a working group with the Secretary of Labor for the purpose of enhancing integration of programs, resources, and expertise to strengthen the shipbuilding industrial base, as well as to provide recommendations to Congress, to better stabilize the shipbuilding industrial base workforce and determine appropriate solutions for workforce fluctuations.

(2) DUTIES.—The working group shall carry out the following activities related to the ongoing challenges with workforce stability:

(A) Analyze existing Department of the Navy contracts with the shipbuilding industry and other relevant information to better anticipate future employment trends and tailor workforce resources and opportunities for workers most vulnerable to upcoming workforce fluctuations.

(B) Identify existing Department of Labor programs for unemployed, underemployed, and furloughed employees that could benefit the shipbuilding industrial base workforce during times of workload fluctuations and workforce instability, and explore potential partnerships to connect employees with appropriate resources.

(C) Explore possible cost sharing agreements to enable the Department of the Navy to contribute funding to existing Department of Labor workforce programs to support the shipbuilding workforce.

(D) Examine possible programs that will specifically assist furloughed employees who may sporadically rely on unemployment benefits.

(E) Explore opportunities for unemployed, underemployed, or furloughed employees to provide workforce training through temporary partnerships with States, technical schools, community colleges, and other local workforce development opportunities.

(F) Review existing training programs for the shipbuilding workforce to maximize relevant and necessary training opportunities that would broaden employee skillset during times of unemployment, underemployment, or furlough, where applicable.

(G) Assess the possibility of shipbuilding worker support programs to weather a period of unemployment, underemployment, or furlough, including compensation options, alternative employment, temporary stipends, or other worker support opportunities.

(H) Study cross-State credentialing requirements and identify any restrictions that inhibit the flexibility of the shipbuilding workforce to seek employment opportunities across State lines, and make recommendations to streamline licensing, credentialing, certification, and qualification requirements within the shipbuilding industry.

(I) Review additional or new contracting authorities that could enable the Department of the Navy to award short-term, flexible contracts that will prioritize work for unemployed, underemployed, or furloughed employees within the shipbuilding workforce.

(J) Identify specific workforce support programs to support suppliers of all sizes within the shipbuilding industrial base, and assess any additional support from prime contractors that would improve the stability of such suppliers.

(K) Assess whether greater collaboration with the United States Coast Guard and its shipbuilding contractors and subcontractors would improve workforce stability by assessing a totality of shipbuilding demands.

(L) Consider potential pilot programs that will specifically address shipbuilding industrial base workforce stability.

(M) Explore any additional opportunities to invest in recruiting, retaining, and training a skilled shipbuilding workforce.

(N) Consider and incorporate the findings and recommendations, as appropriate, of the report on shipbuilder training and the defense industrial base required under section 1037 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92).

(3) NOTIFICATION REQUIREMENT REGARDING ESTABLISHMENT AND STRUCTURE.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Navy, in coordination with the Secretary of Labor, shall notify the congressional defense committees regarding the membership and structure of the working group.

(4) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of the Navy, in consultation with the Secretary of Labor, shall submit to the congressional defense committees, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Education and Labor of the House of Representatives a report with the findings and recommendations of the working group.

SEC. 812. MISCELLANEOUS LIMITATIONS ON THE PROCUREMENT OF GOODS OTHER THAN UNITED STATES GOODS.

Section 2534 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking paragraphs (2) through (5);

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

''(2) COMPONENTS FOR NAVAL VESSELS.—

''(A) Vessel propellers with a diameter of six feet or more.

''(B) The following components of vessels, to the extent they are unique to marine applications: gyrocompasses, electronic navigation chart systems, steering controls, propulsion and machinery control systems, and totally enclosed lifeboats.'';

(C) by redesignating paragraph (6) as paragraph (3); and

(D) in paragraph (3), as redesignated by subparagraph (C), by striking ''(k)'' and inserting ''(j)'';

(2) in subsection (b)—

(A) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(B) in paragraph (2), as redesignated by subparagraph (A), by striking ''subsection (a)(3)(A)(iii)'' and inserting ''subsection (a)(2)(A)'';

(3) in subsection (c)—

(A) by striking ''ITEMS.'' and all that follows through ''Subsection (a) does not apply'' in paragraph (1) and inserting ''ITEMS.—Subsection (a) does not apply''; and

(B) by striking paragraphs (2) though (5);

(4) in subsection (g)—

(A) by striking ''(1) This section'' and inserting ''This section''; and

(B) by striking paragraph (2);

(5) in subsection (h), by striking ''subsection (a)(3)(B)'' and inserting ''subsection (a)(2)(B)'';

(6) in subsection (i)(3), by striking ''Acquisition, Technology, and Logistics'' and inserting ''Acquisition and Sustainment'';

(7) by striking subsection (j); and

(8) by redesignating the first subsection designated subsection (k) as subsection (j).

SEC. 813. USE OF DOMESTICALLY SOURCED STAR TRACKERS IN NATIONAL SECURITY SATELLITES.

(a) IN GENERAL.— Except as provided in subsection (a), any acquisition executive of the Department of Defense who approves a contract for a national security satellite after October 1, 2021, shall require any star tracker system included in the design of such national security satellite to be domestically sourced.

(b) EXCEPTIONS.— The application of subsection (a) may be waived if the acquisition executive certifies in writing that—

(1) there is no available domestically sourced star tracker system that meets the national security satellite systems mission and design requirements;

(2) the cost of the available domestically sourced star tracker system is unreasonably priced based on a market survey; or

(3) an urgent and compelling national security need exists to necessitate a foreign-made star tracker.

(c) NATIONAL SECURITY SATELLITE DEFINED.— In this section, ''national security satellite'' is a satellite the principle purpose of which is to support the national security needs of the United States Government.

SEC. 814. 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 Register, and the new price threshold shall take effect on the date of publication.''.

Subtitle B—Acquisition Policy and Management

SEC. 831. REPORT ON ACQUISITION RISK ASSESSMENT AND MITIGATION AS PART OF ADAPTIVE ACQUISITION FRAMEWORK IMPLEMENTATION.

(a) SERVICE ACQUISITION EXECUTIVES INPUT.—The Service Acquisition Executives shall report to the Secretary of Defense, the Under Secretary of Defense for Acquisition and Sustainment, the Under Secretary of Defense for Research and Engineering, and the Chief Information Officer of the Department of Defense how they are assessing, mitigating, and reporting on the following risks in acquisition programs:

(1) Technical risks in engineering, software, manufacturing and testing.

(2) Integration and interoperability risks, including complications related to systems working across multiple domains while using machine learning and artificial intelligence capabilities to continuously change and optimize system performance.

(3) Operations and sustainment risks, including as mediated by access to technical data and intellectual property rights.

(4) Workforce and training risks, including consideration of the role of contractors as part of the total workforce.

(5) Supply chain risks, including cybersecurity, foreign control and ownership of key elements of supply chains, and the consequences a fragile and weakening defense industrial base, combined with barriers to industrial cooperation with allies and partners pose for delivering systems and technologies in a trusted and assured manner.

(b) REPORT TO CONGRESS.—Not later than March 31, 2021, the Under Secretary of Defense for Acquisition and Sustainment shall submit to the congressional defense committees a report including—

(1) the input received from the Service Acquisition Executives pursuant to subsection (a); and

(2) the views of the Under Secretary with respect to the matters described in paragraphs (1) through (5) of such subsection.

SEC. 832. COMPTROLLER GENERAL REPORT ON IMPLEMENTATION OF SOFTWARE ACQUISITION REFORMS.

(a) IN GENERAL.—Not later than March 15, 2021, the Comptroller General of the United States shall brief the congressional defense committees on the implementation by the Department of Defense of required acquisition reforms with respect to acquiring software for weapon systems, business systems, and other activities that are part of the defense acquisition system, with a report, or reports, to follow as agreed upon by the committees and the Comptroller General.

(b) ELEMENTS.—The briefing and report, or reports, required under subsection (a) shall include an assessment of the extent to which the Department of Defense has implemented requirements related to the following:

(1) Software acquisition studies and their implementation, including pursuant to section 872 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; Defense Innovation Board analysis of software acquisition regulations), section 868 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; implementation of recommendations of the final report of the Defense Science Board Task Force on the Design and Acquisition of Software for Defense Systems).

(2) Software acquisition activities pursuant to section 2322a of title 10, United States Code (related to consideration of certain maters during the acquisition of noncommercial computer software), section 875 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; pilot program for open source software), and section 800 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92, related to continuous integration and delivery of software applications and upgrades to embedded systems).

(3) Software acquisition pilots, including the pilot program pursuant to section 873 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; relating to the use of agile or iterative development methods to tailor major software-intensive warfighting systems and defense business systems) and the pilot program pursuant to section 874 of such Act (relating to using agile best practices for software development).

(c) ASSESSMENT OF ACQUISITION POLICY, GUIDANCE, AND PRACTICES.—Each report under subsection (a) should include an assessment of the extent to which Department of Defense software acquisition policy, guidance, and practices reflect implementation of relevant recommendations from related studies, pilot programs, and directives from the congressional defense committees.

(d) MODIFICATION OF REQUIREMENTS FOR COMPTROLLER GENERAL ASSESSMENT OF ACQUISITION PROGRAMS AND INITIATIVES.—Section 2229b(b)(2) of title 10, United States Code, is amended by striking ''a summary of organizational and legislative changes and emerging assessment methodologies since the last assessment, and a discussion of the implications'' and inserting ''a discussion of selected organizational, policy, and legislative changes, as determined appropriate by the Comptroller General, and the potential implications''.

(e) DEFENSE ACQUISITION SYSTEM DEFINED.—In this section, the term ''defense acquisition system'' has the meaning given that term in section 2545(2) of title 10, United States Code.

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

SEC. 841. AUTHORITY TO ACQUIRE INNOVATIVE COMMERCIAL PRODUCTS AND SERVICES USING GENERAL SOLICITATION COMPETITIVE PROCEDURES.

(a) AUTHORITY.—

(1) IN GENERAL.—Chapter 140 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2380c. Authority to acquire innovative commercial products and services using general solicitation competitive procedures

''(a) AUTHORITY.—The Secretary of Defense may acquire innovative commercial products and services through a competitive selection of proposals resulting from a general solicitation and the peer review of such proposals.

''(b) TREATMENT AS COMPETITIVE PROCEDURES.—Use of general solicitation competitive procedures under subsection (a) shall be considered to be use of competitive procedures for purposes of chapter 137 of this title.

''(c) LIMITATIONS.—(1) The Secretary may not enter into a contract or agreement in excess of $100,000,000 using the authority under subsection (a) without a written determination from the Under Secretary of Defense for Acquisition and Sustainment or the relevant

service acquisition executive of the efficacy of the effort to meet mission needs of the Department of Defense or the relevant military department.

''(2) Contracts or agreements entered into using the authority under subsection (a) shall be fixed-price, including fixed-price incentive fee contracts.

''(3) Notwithstanding section 2376(1) of this title, products and services acquired using the authority under subsection (a) shall be treated as commercial products and services.

''(d) CONGRESSIONAL NOTIFICATION REQUIRED.—(1) Not later than 45 days after the award of a contract for an amount exceeding $100,000,000 using the authority in subsection (a), the Secretary of Defense shall notify the congressional defense committees of such award.

''(2) Notice of an award under paragraph (1) shall include the following:

''(A) Description of the innovative commercial product or service acquired.

''(B) Description of the requirement, capability gap, or potential technological advancement with respect to which the innovative commercial product or service acquired provides a solution or a potential new capability.

''(C) Amount of the contract awarded.

''(D) Identification of contractor awarded the contract.

''(e) INNOVATIVE DEFINED.—. In this section, the term 'innovative' means—

''(1) any technology, process, or method, including research and development, that is new as of the date of submission of a proposal; or

''(2) any application that is new as of the date of submission of a proposal of a technology, process, or method existing as of such date.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 140 of title 10, United States Code, is amended by inserting after the item relating to section 2380b the following new item:

''2380c. Authority to acquire innovative commercial products and services using general solicitation competitive procedures.''.

(b) REPEAL OF OBSOLETE AUTHORITY.—Section 879 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 2302 note) is hereby repealed.

SEC. 842. TRUTH IN NEGOTIATIONS ACT THRESHOLD FOR DEPARTMENT OF DEFENSE CONTRACTS.

Section 2306a(a)(1) of title 10, United States Code, is amended—

(1) in subparagraph (B), by striking ''contract if'' and all that follows through clause (iii) and inserting ''contract if the price adjustment is expected to exceed $2,000,000.'';

(2) in subparagraph (C), by striking ''section and—'' and all that follows through clause (iii) and inserting ''section and the price of the subcontract is expected to exceed $2,000,000.''; and

(3) in subparagraph (D), by striking ''subcontract if—'' and all that follows through clause (ii) and inserting ''subcontract if the price adjustment is expected to exceed $2,000,000.''.

SEC. 843. REVISION OF PROOF REQUIRED WHEN USING AN EVALUATION FACTOR FOR DEFENSE CONTRACTORS EMPLOYING OR SUBCONTRACTING WITH MEMBERS OF THE SELECTED RESERVE OF THE RESERVE COMPONENTS OF THE ARMED FORCES.

Section 819 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3385; 10 U.S.C. 2305 note) is amended—

(1) by striking subsection (b); and

(2) by redesignating subsection (c) as subsection (b).

SEC. 844. CONTRACT AUTHORITY FOR ADVANCED DEVELOPMENT OF INITIAL OR ADDITIONAL PROTOTYPE UNITS.

(a) IN GENERAL.—Section 2302e of title 10, United States Code, is amended—

(1) in the heading, by striking ''**advanced development**'' and inserting ''**development and demonstration**''; and

(2) in subsection (a)(1), by striking ''provision of advanced component development, prototype,'' and inserting ''development and demonstration''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 137 of title 10, United States Code, is amended by striking the item relating to section 2302e and inserting the following new item:

''2302e. Contract authority for development and demonstration of initial or additional prototype units.''.

SEC. 845. DEFINITION OF BUSINESS SYSTEM DEFICIENCIES FOR CONTRACTOR BUSINESS SYSTEMS.

Section 893 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 2302 note) is amended—

(1) by striking ''significant deficiencies'' both places it appears and inserting ''material weaknesses'';

(2) by striking ''significant deficiency'' each place it appears and inserting ''material weakness''; and

(3) by amending paragraph (4) of subsection (g) to read as follows:

''(4) The term 'material weakness' means a deficiency, or combination of deficiencies, in internal control over risks related to Government contract compliance or other shortcomings in the system, such that there is a reasonable possibility that a material noncompliance will not be prevented, or detected and corrected, on a timely basis. A reasonable possibility exists when the likelihood of an event occurring is either reasonably possible, meaning the chance of the future event occurring is more than remote but less than likely, or is probable.''.

SEC. 846. REPEAL OF PILOT PROGRAM ON PAYMENT OF COSTS FOR DENIED GOVERNMENT ACCOUNTABILITY OFFICE BID PROTESTS.

Section 827 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91) is repealed.

Subtitle D—Provisions Relating to Major Defense Acquisition Programs

SEC. 861. IMPLEMENTATION OF MODULAR OPEN SYSTEMS ARCHITECTURE REQUIREMENTS.

(a) REQUIREMENTS FOR INTERFACE DELIVERY.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition and Sustainment, in coordination with the Joint All Domain Command and Control Cross Functional Team under the supervision of the Department of Defense Chief Information Officer and the Joint Staff Director for Command, Control, Communications, and Computers/Cyber, shall prescribe regulations and issue guidance to the military services, defense agencies and field activities, and combatant commands, as appropriate, in order to—

(A) facilitate the Department of Defense's access to and utilization of system, major subsystem, and major component software-defined interfaces;

(B) fully meet the intent of chapter 144B of title 10, United States Code; and

(C) advance the Department's efforts to generate diverse and recomposable kill chains.

(2) ELEMENTS.—The regulations and guidance required in subsection (a)(1) shall include, at a minimum—

(A) requirements that each relevant program office characterizes the desired modularity of the system for which it is responsible, either, in the case of major defense acquisition programs, in the acquisition strategy required under section 2431a of title 10, United States Code, or, in the case of other programs, via other documentation, including—

(i) specification of which system, major subsystems, and major components should be able to execute without requiring coincident execution of other systems, major subsystems, and major components;

(ii) a default configuration specifying which systems, major subsystems, and major components should communicate with other systems, major subsystems, and major components; and

(iii) specification of what information should be communicated, the method of the communication, and the desired function of the communication;

(B) requirements that relevant Department of Defense contracts include mandates for the delivery of system, major subsystem, and major component software-defined interfaces for systems, major subsystems, and major components deemed relevant in the acquisition strategy or documentation referred to in subsection (a)(2)(a), including—

(i) software-defined interface syntax and properties, specifically governing how values are validly passed and received between major subsystems and components, in machine-readable format;

(ii) a machine-readable definition of the relationship between the delivered interface and existing common standards or interfaces available in the interface repository of subsection (c), if appropriate and available, using interface field transform technology developed under the Defense Advanced Research Projects Agency System of Systems Technology Integration Tool Chain for Heterogeneous Electronic Systems (STITCHES) program or technology that is functionally similar; and

(iii) documentation with functional descriptions of software-defined interfaces, conveying semantic meaning of interface elements, such as the function of a given interface field;

(C) requirements that relevant program offices, including those responsible for maintaining and upgrading legacy systems, that have awarded contracts that do not include the requirements specified in subparagraph (B) of paragraph (2) nevertheless acquire the items specified in clauses (i) through (iii) of such subparagraph, either through contractual updates, separate negotiations or contracts, or program management mechanisms; and

(D) requirements that program offices deliver these interfaces and the associated documentation to the controlled repository established under subsection (c).

(3) APPLICABILITY OF REGULATIONS AND GUIDANCE.—

(A) APPLICABILITY.—The regulations and guidance required under subsection (a)(1) shall apply, at a minimum, to program offices responsible for the prototyping, acquisition, or sustainment of new or existing cyber-physical weapon systems with software-defined interfaces, or with major subsystems or components with software-defined interfaces, developed or to be developed, wholly or in part with Federal funds, including those applicable program offices using other transaction authorities (OTA).

(B) EXTENSION OF SCOPE.—One year after the promulgation of the regulations and guidance required under subsection (a)(1) for cyber-physical systems, the Under Secretary of Defense for Acquisition and Sustainment shall extend the regulations and guidance to

apply to purely software systems, including business systems and cybersecurity systems. The Secretary may make the regulations and guidance applicable, as practicable, to program offices responsible for the acquisition of systems and capabilities under part 12 of the Federal Acquisition Regulation and commercially available off the-the-shelf items.

(C) INCLUSION OF SUBSYSTEMS AND COMPONENTS.—The major subsystems and components covered under paragraph (2)(A) shall include all subsystems and components covered by contract line items.

(b) RIGHTS IN INTERFACE SOFTWARE.—

(1) REGULATIONS.—Not later than one year after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition and Sustainment shall prescribe regulations to define the legitimate interest of the United States and of a contractor or subcontractor in interface software. The regulations shall be included in regulations of the Department of Defense prescribed as part of the Defense Supplement to the Federal Acquisition Regulation.

(2) LIMITATION ON REGULATIONS.—The regulations prescribed pursuant to paragraph (1) may not—

(A) impair any right of the United States or of any contractor or subcontractor with respect to patents or copyrights or any other right in software otherwise established by law; or

(B) impair the right of a contractor or subcontractor to receive from a third party a fee or royalty for the use of software pertaining to an item or process developed exclusively at private expense by the contractor or subcontractor, except as otherwise specifically provided by law.

(2) ELEMENTS.—Such regulations shall include the following provisions:

(A) In the case of a software interface that is developed by a contractor or subcontractor exclusively with Federal funds (other than an item developed under a contract or subcontract to which regulations under section 9(j)(2) of the Small Business Act (15 U.S.C. 638(j)(2)) apply), the United States shall have the unlimited and non-expiring right to use the software or release or disclose the software to persons outside the government or permit the use of the software by such persons.

(B) In the case of a software interface that is developed in part with Federal funds and in part at private expense and except in any case in which the Secretary of Defense determines that negotiation of different rights in such software would be in the best interest of the United States, the Government—

(i) shall have Government-purpose rights to the software interface, and, in addition, may release or disclose the software interface, or authorize others to do so, if—

(I) prior to release or disclosure, the intended recipient is subject to an exclusive for-Government-use and non-disclosure agreement;

(II) the intended recipient is a Government contractor receiving access to the interface for the performance of a Government contract; and

(III) the intended use is for the purpose of system, major subsystem, and major component segregation, interoperability, integration, or reintegration; and

(ii) may not use, or authorize other persons to use, interface software for commercial purposes.

(C) In the case of a software interface that is developed exclusively at private expense, the Government shall negotiate with the contractor or the subcontractor to best achieve, if practical, Government-purpose rights to the software interface and rights to release or disclose the software interface, or authorize others to do so, if—

(i) prior to release or disclosure, the intended recipient is subject to an exclusive for-Government use and non-disclosure agreement;

(ii) the intended recipient is a Government contractor receiving access to the interface for the performance of a Government contract; and

(iii) the intended use is for the purpose of system, major subsystem, and major component segregation, interoperability, integration and reintegration.

(c) INTERFACE REPOSITORY.—

(1) ESTABLISHMENT.—The Under Secretary of Defense for Acquisition and Sustainment shall establish and maintain, at the appropriate classification level, an interface repository for interfaces, syntax and properties, documentation, and communication implementations delivered pursuant to the requirements established under subsection (a)(2)(B) and shall provide interfaces, access to interfaces, and relevant documentation to the military services, defense agencies and field activities, combatant commands, and contractors, as appropriate, to facilitate system, major subsystem, and major component segregation and reintegration.

(2) DISTRIBUTION OF INTERFACES.—Consistent with section 2320 of title 10, United States Code, and in accordance with subsection (b), the Under Secretary of Defense for Acquisition and Sustainment may distribute interfaces, access to interfaces, and relevant documentation to Government entities and contractors. Any such protected transfer or disclosure by the Government to a recipient is limited to only those data necessary for segregation, interoperability, integration, or reintegration.

(d) SYSTEM OF SYSTEMS INTEGRATION TECHNOLOGY AND EXPERIMENTATION.—

(1) DEMONSTRATIONS AND ASSESSMENT.—No later than one year after the date of the enactment of this Act, the Joint Staff Director for Command, Control, Communications, and Computers/Cyber and Department of Defense Chief Information Officer, through the Joint All Domain Command and Control Cross Functional Team, shall conduct demonstrations and complete an assessment of the technologies developed under the Defense Advanced Research Projects Agency's System of Systems Integration Technology and Experimentation program, including the STITCHES technology, and their applicability to the Joint All-Domain Command and Control architecture. The demonstrations and assessment shall include—

(A) at least three demonstrations of the use of the STITCHES technology to create, under constrained schedules and budgets, novel kill chains involving previously incompatible weapon systems, sensors, and command, control, and communication systems from multiple military services in cooperation with United States Indo-Pacific Command or United States European Command;

(B) an evaluation as to whether the communications enabled via the STITCHES technology are sufficient for military missions and whether the technology results in any substantial performance loss in communication between systems, major subsystems, and major components;

(C) an evaluation as to whether the STITCHES technology obviates the need to develop, impose, and maintain strict adherence to common communication and interface standards for Department of Defense systems;

(D) the appropriate roles and responsibilities of the Department of Defense Chief Information Officer, the Under Secretary of Defense for Acquisition and Sustainment, the geographic combatant commands, the military services, the Defense Advanced Research Projects Agency, and the defense industrial base in using and maintaining the STITCHES technology to generate diverse and recomposable kill chains as part of the Joint All-Domain Command and Control architecture; and

(E) coordination with the program manager for the Time Sensitive Targeting Defeat program under the Under Secretary of Defense for Research and Engineering and the Under Secretary of Defense for Intelligence.

(2) CHIEF INFORMATION OFFICER ASSESSMENT.—The Department of Defense Chief Information Officer shall assess the technologies developed under the Defense Advanced Research Projects Agency's System of Systems Integration Technology and Experimentation program, including the STITCHES interface field transform technology, and their applicability to the Department's business systems and cybersecurity tools. This assessment shall include—

(A) at least two demonstrations of the use of the STITCHES technology in enabling communication between business systems;

(B) in coordination with the Cross Functional Team under the Principal Cyber Adviser and the Integrated Adaptive Cyber Defense program office of the National Security Agency, at least two demonstrations of the use of the STITCHES technology in enabling communication between and orchestration of previously incompatible cybersecurity tools; and

(C) an evaluation as to how the STITCHES technology could be used in concert with or instead of existing cybersecurity standards, frameworks, and technologies designed to enable communication across cybersecurity tools.

(3) SUSTAINMENT OF STITCHES ENGINEERING RESOURCES AND CAPABILITIES DEVELOPED BY DARPA.—To conduct the demonstrations and assessments required under this subsection and to execute the Joint All Domain Command and Control program, the Joint All Domain Command and Control program office shall sustain the STITCHES engineering resources and capabilities developed by the Defense Advanced Research Projects Agency.

(e) TRANSFER OF RESPONSIBILITY FOR STITCHES.—One year after the date of enactment of this Act, the Secretary of Defense may transfer responsibility for maintaining the STITCHES engineering capabilities to a different organization.

(f) DEFINITIONS.—In this section:

(1) DESIRED MODULARITY.—The term ''desired modularity'' means the desired degree to which systems, major constitutive subsystems and components within a system, and major subsystems and components across subsystems can function as modules that can communicate across component boundaries and through interfaces and can be separated and recombined to achieve various effects, missions, or capabilities.

(2) MACHINE-READABLE FORMAT.—The term ''machine-readable format'' means a format that can be easily processed by a computer without human intervention.

SEC. 862. SUSTAINMENT REVIEWS.

(a) ANNUAL SUSTAINMENT REVIEWS.—Section 2441(a) of title 10, United States Code, is amended by inserting ''annually thereafter'' before ''throughout the life cycle of the weapon system''.

(b) SUBMISSION TO CONGRESS OF SUSTAINMENT REVIEWS.—Section 2441 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d) SUBMISSION TO CONGRESS OF SUSTAINMENT REVIEWS.—(1) The Secretary of each military department shall submit no fewer than ten sustainment reviews required by this section to the congressional defense

committees annually. The Secretary of each military department shall select the ten reviews from among the systems with the highest independent cost estimates for the remainder of the life cycle of the program.

''(2) The Secretary shall submit the reviews required under paragraph (1) to the congressional defense committees annually not later than 30 days after submission of the President's annual budget request to Congress under section 1105 of title 31. The sustainment reviews shall be posted on a publicly available website maintained by the Director of the Cost Assessment and Program Evaluation office and, for those systems with operating and support cost growth, shall include comments from the military departments regarding actions being taken to reduce the operating and support costs. The reviews may include classified appendices, as appropriate.''.

(c) COMPTROLLER GENERAL STUDY.—Not later than 180 days after the Secretaries of the military departments post the initial sustainment reviews required under paragraph (1) of subsection (d) of section 2441 of title 10, United States Code (as added by subsection (b) of this section) on a publicly available website as required under paragraph (2) of such subsection (d), the Comptroller General of the United States shall assess steps the military departments are taking to quantify and address operating and support cost growth. The assessment shall include—

(1) an evaluation of—

(A) the causes of operating and support cost growth for selected systems covered by the sustainment reviews, as well as any other systems the Comptroller General determines appropriate;

(B) the extent to which the Department has mitigated operating and support cost growth of these systems; and

(C) any other issues related to potential operating and support cost growth the Comptroller General determines appropriate; and

(2) any recommendations of the Comptroller General, including steps the military departments could take to reduce operating and support cost growth for fielded weapon systems, as well as lessons learned to be incorporated in future weapon system acquisitions.

SEC. 863. RECOMMENDATIONS FOR FUTURE DIRECT SELECTIONS.

The Secretary of each military department shall provide to the congressional defense committees in the future-years defense program submitted under section 221 of title 10, United States Code, for fiscal year 2022 a list of at least one acquisition program for which it would be appropriate to have a large number of users provide direct assessment of the outcome of a competitive contract award.

SEC. 864. DISCLOSURES FOR CERTAIN SHIPBUILDING MAJOR DEFENSE ACQUISITION PROGRAM OFFERS.

(a) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2339c. Disclosures for certain shipbuilding major defense acquisition program offers

''(a) GENERAL.—Any covered offeror seeking to be awarded a shipbuilding construction contract as part of a major defense acquisition program with funds from the Shipbuilding and Conversion, Navy account shall disclose with its offer and any subsequent offer revisions, including the final proposal revision offer, whether any part of the offeror's planned contract performance will or is expected to include foreign government subsidized performance, financing, financial guarantees, or tax concessions.

''(b) DISCLOSURE.—An offeror shall make a disclosure required under subsection (a) in a format prescribed by the Secretary of the Navy and shall include therein a specific description of the extent to which the offeror's planned contract performance will include, with or without contingencies, any foreign government subsidized performance, financing, financial guarantees, or tax concessions.

''(c) CONGRESSIONAL NOTIFICATION.—Not later than 5 days after awarding a contract described under subsection (a) to an offeror that made a disclosure under subsection (b), the Secretary of the Navy shall notify the congressional defense committees and summarize such disclosure.

''(d) DEFINITIONS.—In this section:

''(1) COVERED OFFEROR.—The term 'covered offeror' means any offeror that currently requires or may reasonably be expected to require during the period of contract performance a method to mitigate or negate foreign ownership under subsection (f)(6) of part 2004.34 of title 32, Code of Federal Regulations.

''(2) FOREIGN GOVERNMENT SUBSIDIZED PERFORMANCE.—The term 'foreign government subsidized performance' means any financial support, materiel, services, or guarantees of support, services, supply, performance, or intellectual property concessions, that may be provided to or for the offeror or the offeror's Department of Defense customer by a foreign government or entity effectively owned or controlled by a foreign government, which may have the effect of supplementing, supplying, servicing, or reducing the cost or price of an end item, or supporting, financing in whole or in part, or guaranteeing contract performance by the offeror.

''(3) MAJOR DEFENSE ACQUISITION PROGRAM.—The term 'major defense acquisition program' has the meaning given the term in section 2430 of this title.''.

(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 2339b the following new item:

''2339c. Disclosures for certain shipbuilding major defense acquisition program offers.''.

Subtitle E—Small Business Matters

SEC. 871. PROMPT PAYMENT OF CONTRACTORS.

Section 2307(a)(2) of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking ''if a specific payment date is not established by contract''; and

(2) in subparagraph (B), by striking ''if—'' and all that follows through ''the prime contractor agrees'' in clause (ii) and inserting ''if the prime contractor agrees or proposes''.

SEC. 872. EXTENSION OF PILOT PROGRAM FOR STREAMLINED AWARDS FOR INNOVATIVE TECHNOLOGY PROGRAMS.

Section 873(f) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2306a) is amended by striking ''2020'' and inserting ''2023''.

Subtitle F—Provisions Related to Software-Driven Capabilities

SEC. 881. INCLUSION OF SOFTWARE IN GOVERNMENT PERFORMANCE OF ACQUISITION FUNCTIONS.

(a) INCLUSION OF SOFTWARE.—Section 1706(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(14) Program lead software.''.

(b) TECHNICAL AMENDMENTS.—Section 1706 of such title is further amended—

(1) in subsection (a), by striking ''for each major defense acquisition program and each major automated information system program'' and inserting ''for each acquisition program''; and

(2) by striking subsection (c).

SEC. 882. BALANCING SECURITY AND INNOVATION IN SOFTWARE DEVELOPMENT AND ACQUISITION.

(a) REQUIREMENTS FOR SOLICITATIONS OF COMMERCIAL AND DEVELOPMENTAL SOLUTIONS.—The Under Secretary of Defense for Acquisition and Sustainment, in coordination with the Chief Information Officer of the Department of Defense, shall develop requirements for inclusion in solicitations for both commercial and developmental solutions, and for the evaluation of bids, of appropriate software security criteria, including—

(1) delineation of what processes were or will be used for a secure software development lifecycle, including management of supply chain and third-party software sources and component risks; and

(2) an associated vulnerability management plan or tools.

(b) SECURITY REVIEW OF CODE.—The Under Secretary of Defense for Acquisition and Sustainment, in coordination with the Chief Information Officer of the Department of Defense, shall develop processes for security review of code for the purpose of publication and other procedures necessary to fully implement the pilot program required under section 875 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2223 note).

(c) COORDINATION WITH SOFTWARE ACQUISITION PATHWAY EFFORTS.—The requirements and procedures required under subsections (a) and (b) shall be developed in conjunction with the Department of Defense's efforts to incorporate input and finalize the procedures described in the Interim Procedures for Operation of the Software Acquisition Pathway.

SEC. 883. COMPTROLLER GENERAL REPORT ON INTELLECTUAL PROPERTY ACQUISITION AND LICENSING.

(a) IN GENERAL.—Not later than October 1, 2021, the Comptroller General of the United States shall submit to the congressional defense committees a report evaluating the implementation of the Department of Defense's Instruction on Intellectual Property Acquisition and Licensing (DODI 5010.44), established under section 2322 of title 10, United States Code.

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

(1) The extent to which the Department of Defense is fulfilling the core principles established in DODI 5010.44.

(2) The extent to which the Defense Acquisition University, Department of Defense components, and program offices are carrying out their responsibilities under DODI 5010.44.

(3) The progress of the Department in establishing an IP Cadre, including the extent to which such experts are executing their roles and responsibilities.

(4) The performance of the Department in assessing and demonstrating the implementation of DODI 5010.44, including the effectiveness of the IP Cadre;

(5) The effect implementation of DODI 5010.44 has had on particular acquisitions;

(6) Any other matters the Comptroller General determines appropriate.

Subtitle G—Other Matters

SEC. 891. SAFEGUARDING DEFENSE-SENSITIVE UNITED STATES INTELLECTUAL PROPERTY, TECHNOLOGY, AND OTHER DATA AND INFORMATION.

(a) IN GENERAL.—The Secretary of Defense shall establish, enforce, and track actions being taken to protect defense-sensitive United States intellectual property, technology, and other data and information, including hardware and software, from acquisition by the Government of the People's Republic of China.

(b) LIST OF CRITICAL TECHNOLOGY.—The Secretary of Defense shall establish and maintain a list of critical national security technology.

(c) RESTRICTIONS ON EMPLOYMENT OF DEFENSE INDUSTRIAL BASE EMPLOYEES WITH CHINESE COMPANIES.—The Secretary of Defense shall provide for mechanisms to restrict employees or former employees of the defense industrial base that contribute to the technology referenced in subsection (b) from working directly for companies wholly owned by, or under the direction of, the Government of the Peoples Republic of China.

(d) REPORTS.—

(1) DEPARTMENT OF DEFENSE REPORT.—Not later than May 1, 2021, the Secretary of Defense shall submit to the congressional defense committees a report on progress in implementing the measures described in subsections (a) through (c).

(2) COMPTROLLER GENERAL REPORT.— Not later than December 1, 2021, the Comptroller General of the United States shall submit to the congressional defense committees a report reviewing the report submitted under paragraph (1) and providing an assessment of the effectiveness of the measures implemented under this section.

(3) FORM.—The reports required under this subsection shall be submitted in unclassified form but may contain classified annexes.

SEC. 892. DOMESTIC COMPARATIVE TESTING ACTIVITIES.

Section 2350a(g)(1)(A) of title 10, United States Code, is amended by inserting ''and conventional defense equipment, munitions, and technologies manufactured and developed domestically'' after ''in subsection (a)(2)''.

SEC. 893. REPEAL OF APPRENTICESHIP PROGRAM.

(a) IN GENERAL.—Section 2870 of title 10, United States Code, as added by section 865 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), is repealed.

(b) CONFORMING AMENDMENTS.—

(1) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter III of chapter 169 of title 10, United States Code, is amended by striking the item relating to section 2870.

(2) OBSOLETE PROVISION.—Section 865 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is repealed.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

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

SEC. 901. ASSISTANT SECRETARY OF DEFENSE FOR SPECIAL OPERATIONS AND LOW INTENSITY CONFLICT AND RELATED MATTERS.

(a) IN GENERAL.—

(1) CLARIFICATION OF CHAIN OF ADMINISTRATIVE COMMAND.—Section 138(b)(2) of title 10, United States Code, is amended—

(A) by redesignating clauses (i), (ii), and (iii) of subparagraph (B) as subclauses (I), (II), and (III), respectively;

(B) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(C) by inserting ''(A)'' after ''(2)'';

(D) in clause (i) of subparagraph (A), as redesignated by this paragraph, by inserting before the period at the end the following: ''through the administrative chain of command specified in section 167(f) of this title;'' and

(E) by adding at the end the following new subparagraph:

''(B) In the discharge of the responsibilities specified in subparagraph (A)(i), the Assistant Secretary is immediately subordinate to the Secretary of Defense and the Deputy Secretary of Defense. No officer below the Secretary or the Deputy Secretary may intervene to exercise authority, direction, or control over the Assistant Secretary in the discharge of such responsibilities.''.

(2) TECHNICAL AMENDMENT.—Subparagraph (A) of such section, as redesignated by paragraph (2), is further amended in the matter preceding clause (i), as so redesignated, by striking ''section 167(j)'' and inserting ''section 167(k)''.

(b) FULFILLMENT OF SPECIAL OPERATIONS RESPONSIBILITIES.—

(1) IN GENERAL.—Section 139b of title 10, United States Code, is amended to read as follows:

''§ 139b. Secretariat for Special Operations; Special Operations Policy and Oversight Council

''(a) SECRETARIAT FOR SPECIAL OPERATIONS.—

''(1) IN GENERAL.—In order to fulfill the responsibilities of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict specified in section 138(b)(2)(A)(i) of this title, there shall be within the Office of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict an office to be known as the 'Secretariat for Special Operations'.

''(2) PURPOSE.—The purpose of the Secretariat is to assist the Assistant Secretary in exercising authority, direction, and control with respect to the special operations-peculiar administration and support of the special operations command, including the readiness and organization of special operations forces, resources and equipment, and civilian personnel as specified in such section.

''(3) DIRECTOR.—The Director of the Secretariat for Special Operations shall be appointed by the Secretary of Defense from among individuals qualified to serve as the Director. The Director shall have a grade of Deputy Assistant Secretary of Defense.

''(4) ADMINISTRATIVE CHAIN OF COMMAND.—For purposes of the support of the Secretariat for the Assistant Secretary in the fulfillment of the responsibilities referred to in paragraph (1), the administrative chain of command is as specified in section 167(f) of this title. No officer below the Secretary of Defense or the Deputy Secretary of Defense (other than the Assistant Secretary) may intervene to exercise authority, direction, or control over the Secretariat in its support of the Assistant Secretary in the discharge of such responsibilities.

''(b) SPECIAL OPERATIONS POLICY AND OVERSIGHT COUNCIL.—

''(1) IN GENERAL.—In order to fulfill the responsibilities specified in section 138(b)(2)(A)(i) of this title, there shall also be within the Office of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict a team known as the 'Special Operation Policy and Oversight Council'. The team is lead by the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, or the Assistant Secretary's designee..

''(2) PURPOSE.—The purpose of the Council is to integrate the functional activities of the headquarters of the Department of Defense in order to most efficiently and effectively provide for special operations forces and capabilities. In fulfilling this purpose, the Council shall develop and continuously improve policy, joint processes, and procedures that facilitate the development, acquisition, integration, employment, and sustainment of special operations forces and capabilities.

''(3) MEMBERSHIP.—The Council shall include the following:

''(A) The Assistant Secretary, who shall act as leader of the Council.

''(B) Appropriate senior representatives of each of the following:

''(i) The Under Secretary of Defense for Research and Engineering.

''(ii) The Under Secretary of Defense for Management and Support.

''(iii) The Under Secretary of Defense (Comptroller).

''(iv) The Under Secretary of Defense for Personnel and Readiness.

''(v) The Under Secretary of Defense for Intelligence.

''(vi) The General Counsel of the Department of Defense.

''(vii) The other Assistant Secretaries of Defense under the Under Secretary of Defense for Policy.

''(viii) The military departments.

''(ix) The Joint Staff.

''(x) The United States Special Operations Command.

''(xi) Such other officials or Agencies, elements, or components of the Department of Defense as the Secretary of Defense considers appropriate.

''(4) OPERATION.—The Council shall operate continuously.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 4 of such title is amended by striking the item relating to section 139b and inserting the following new item:

''139b. Secretariat for Special Operations; Special Operations Policy and Oversight Council.''.

(c) DOD DIRECTIVE ON RESPONSIBILITIES OF ASD SOLIC.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall publish a Department of Defense directive establishing policy and procedures related to the exercise of authority, direction, and control of all special-operations peculiar administrative matters relating to the organization, training, and equipping of special operations forces by the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict as specified by section 138(b)(2)(A)(i) of title 10, United States Code, as amended by subsection (a)(1).

(2) MATTERS FOR INCLUDING.—The directive required by paragraph (1) shall include the following:

(A) A specification of responsibilities for coordination on matters affecting the organization, training, and equipping of special operations forces.

(B) An identification and specification of updates to applicable documents and instructions of the Department of Defense.

(C) Mechanisms to ensure the inclusion of the Assistant Secretary in all Departmental governance forums affecting the organization, training, and equipping of special operations forces.

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

(3) APPLICABILITY.— The directive required by paragraph (1) shall apply throughout the Department of Defense to all components of the Department of Defense.

(4) LIMITATION ON AVAILABILITY OF CERTAIN FUNDING PENDING PUBLICATION.—Of the amounts authorized to be appropriated by this Act for fiscal year 2021 for operation and maintenance, Defense-wide, and available for the Office of the Secretary of Defense, not more than 75 percent may be obligated or expended until the date that is 15 days after the date on which the Secretary publishes the directive required by paragraph (1).

SEC. 902. REDESIGNATION AND CODIFICATION IN LAW OF OFFICE OF ECONOMIC ADJUSTMENT.

(a) REDESIGNATION.—

(1) IN GENERAL.—The Office of Economic Adjustment in the Office of the Secretary of

Defense is hereby redesignated as the ''Office of Local Defense Community Cooperation''.

(2) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the office referred to in paragraph (1) shall be deemed to be a reference to the ''Office of Local Defense Community Cooperation''.

(b) CODIFICATION IN LAW.—

(1) IN GENERAL.—Chapter 4 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 146. Office of Local Defense Community Cooperation

''(a) IN GENERAL.—There is an Office of Local Defense Community Cooperation in the Office of the Under Secretary of Defense for Acquisition and Sustainment.

''(b) DIRECTOR.—The Office shall be headed by the Director of the Office of Local Defense Community Cooperation, who shall be assigned to such position by the Under Secretary from among civilian employees of the Department of Defense who are qualified to serve in the position.

''(c) FUNCTIONS.—Subject to the authority, direction, and control of the Under Secretary, the Office shall—

''(1) in cooperation with the other components, of the Department of Defense be the primary office within the Department for the provision of assistance to States, counties, municipalities, regions, and communities intended to—

''(A) foster greater cooperation with military installations in order to enhance the military mission, achieve facility and infrastructure savings and reduced operating costs, address encroachment and compatible land use issues, support military families, and increase military, civilian, and industrial readiness and resiliency; and

''(B) address impacts caused by changes in defense programs, including basing decisions, defense industry expansions or contractions, increases or reductions in Federal civilian or contractor personnel, and expansions, realignments, and closures of military installations;

''(2) provide support to the Economic Adjustment Committee within the Executive Office of the President, or any successor interagency coordination body; and

''(3) perform such other functions as the Secretary of Defense may prescribe.

''(d) ANNUAL REPORT TO CONGRESS.—Not later than June 1 each year, the Director of the Office of Local Defense Community Cooperation shall submit to the congressional defense committees a report on the activities of the Office during the preceding year, including the assistance provided pursuant to subsection (c)(1) during such year.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 4 of such title is amended by adding at the end the following new item:

''146. Office of Local Defense Community Cooperation.''.

SEC. 903. MODERNIZATION OF PROCESS USED BY THE DEPARTMENT OF DEFENSE TO IDENTIFY, TASK, AND MANAGE CONGRESSIONAL REPORTING REQUIREMENTS.

(a) ANALYSIS REQUIRED.—The Assistant Secretary of Defense for Legislative Affairs shall conduct an analysis of the process used by the Department of Defense to identify reports to Congress required by annual national defense authorization Acts, assign responsibility for preparation of such reports, and manage the completion and delivery of such reports to Congress for the purpose of identifying mechanisms to optimize and otherwise modernize the process.

(b) CONSULTATION.—The Assistant Secretary shall conduct the analysis required by subsection (a) with the assistance of and in consultation with the Chief Data Officer of the Department of Defense and the Director of the Defense Digital Service.

(c) ELEMENTS.—The analysis required by subsection (a) shall include the following:

(1) A business process reengineering of the process described in subsection (a).

(2) An assessment of applicable commercially available analytics tools, technologies, and services in connection with such business process reengineering.

(3) Such other actions as the Assistant Secretary considers appropriate for purposes of the analysis.

(d) BRIEFING.—Not later than November 15, 2020, the Assistant Secretary shall brief the congressional defense committees on the results of the analysis required by subsection (a). The briefing shall address the following:

(1) The results of the analysis and of the business process reengineering described in subsection (c)(1).

(2) A description of the actions being taken, and to be taken, to optimize and otherwise improve the process described in subsection (a).

(3) Such recommendations for administrative and legislative action as the Assistant Secretary considers appropriate to facilitate the optimization and improvement of the process described in subsection (a) as a result of the analysis and the business process reengineering.

(4) Such other matters as the Assistant Secretary considers appropriate in connection with the analysis, the business process reengineering and the optimization and improvement of the process described in subsection (a).

SEC. 904. INCLUSION OF VICE CHIEF OF THE NATIONAL GUARD BUREAU AS AN ADVISOR TO THE JOINT REQUIREMENTS OVERSIGHT COUNCIL.

Section 181(d)(3) of title 10, United States Code, is amended—

(1) in the heading, by inserting ''AND VICE CHIEF OF THE NATIONAL GUARD BUREAU'' after ''OF STAFF'';

(2) by striking ''of the Chiefs of Staff'' and inserting ''of—

''(A) the Chiefs of Staff'';

(3) by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following new subparagraph:

''(B) the Vice Chief of the National Guard Bureau when matters involving non-Federalized National Guard capabilities in support of homeland defense or civil support missions are under consideration by the Council.''.

SEC. 905. ASSIGNMENT OF RESPONSIBILITY FOR THE ARCTIC REGION WITHIN THE OFFICE OF THE SECRETARY OF DEFENSE.

The Assistant Secretary of Defense for International Security Affairs shall assign responsibility for the Arctic region to the Deputy Assistant Secretary of Defense for the Western Hemisphere or any other Deputy Assistant Secretary of Defense the Secretary of Defense considers appropriate.

Subtitle B—Department of Defense Management Reform

SEC. 911. TERMINATION OF POSITION OF CHIEF MANAGEMENT OFFICER OF THE DEPARTMENT OF DEFENSE.

(a) TERMINATION.—

(1) IN GENERAL.—The position of Chief Management Officer of the Department of Defense is terminated, effective on the date specified by the Secretary of Defense, which date may not be later than September 30, 2022.

(2) NOTICE.—The Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a notice on the effective date specified pursuant to paragraph (1).

(b) CONFORMING REPEAL OF ESTABLISHING AUTHORITY.—

(1) IN GENERAL.—Section 132a of title 10, United States Code, is repealed.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 4 of such title is amended by striking the item relating to section 132a.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the effective date specified pursuant to subsection (a)(1).

SEC. 912. REPORT ON ASSIGNMENT OF RESPONSIBILITIES, DUTIES, AND AUTHORITIES OF CHIEF MANAGEMENT OFFICER TO OTHER OFFICERS OR EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

(a) REPORT.—Not later than 45 days before the effective date specified pursuant to section 911(a)(1), 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) The position and title of each officer or employee of the Department of Defense, and the component of such officer or employee, in whom the Secretary will vest responsibility and authority to perform responsibilities and duties, and exercise authorities, assigned to the Chief Management Officer of the Department of Defense, whether by statute or by directive, instruction, policy, or practice of the Department of Defense, on the termination of the position of Chief Management Officer under section 911.

(2) A description of the responsibilities, duties, and authorities, if any, assigned to the Chief Management Officer by statute that the Secretary recommends for discontinuation or modification, and a justification for such recommendation.

(3) A description of the responsibilities, duties, and authorities, if any, assigned to the Chief Management Officer by directive, instruction, policy, or practice of the Department that the Secretary recommends for discontinuation or modification, and a justification for such recommendation.

(4) A description of the general process and timeline for the effective transfer of each responsibility, duty, and authority assigned to the Chief Management Officer by statute or by policy, instruction, or practice of the Department to the officer or employee in whom such responsibility, duty, and authority will be vested as described in paragraph (1).

(5) A description of the manner and timeline in which the resources of the Chief Management Officer, including funding and human capital, will be realigned or repurposed to other organizations in the Office of the Secretary of Defense or to other components of the Department.

(6) A description of the general process and timeline for the assignment of responsibility of each issue under the jurisdiction of the Chief Management Officer current identified by the Comptroller General of the United States as ''high risk'' to an officer or employee in the Department who is specifically charged by the Secretary to initiate and sustain progress toward resolution of such issue.

(7) Such recommendations (including recommendations for legislative action) as the Secretary considers appropriate for additional authorities and resources (including funding and human capital resources) necessary to ensure that each officer or employee, in whom the Secretary vests responsibility and authority as described in paragraph (1) is capable of exercising such responsibility and authority effectively.

(8) Such other matters in connection with the termination of the position of Chief Management Officer, and the transition of the responsibilities, duties, and authorities of the Chief Management Officer in connection with such termination, as the Secretary considers appropriate.

(b) VESTING OF CERTAIN RESPONSIBILITIES, DUTIES, AND AUTHORITIES IN PARTICULAR OFFICERS.—In setting forth matters under paragraph (1) of subsection (a), the report required by that subsection shall address, in particular, the following:

(1) Vesting of responsibilities, duties, and authorities of the Chief Management Officer in the Deputy Secretary of Defense in the Deputy Secretary's capacity as the Chief Operating Officer of the Department of Defense for purposes of functions specified in section 1123 of title 31, United States Code.

(2) Vesting of responsibilities, duties, and authorities of the Chief Management Officer in the Performance Improvement Officer of the Department of Defense under section 142a of title 10, United States Code (as added by section 913 of this Act), for purposes of functions specified in section 1124 of title 31, United States Code.

(c) OTHER RESPONSIBILITIES, DUTIES AND AUTHORITIES.—In addition to any other responsibilities, duties, and authorities of the Chief Management Officer, the report required by subsection (a) shall specifically address responsibilities, duties, and authorities of the Chief Management Officer with respect to the following:

(1) Establishment of policies for, and the direction and management of, enterprise business operations and shared business services of the Department, as set forth in section 132a(b) of title 10, United States Code, and section 921(b) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 2222 note).

(2) Exercise of authority, direction, and control over the Defense Agencies and Department of Defense Field Activities for shared business services and budget review, assessment, certification, and reporting, as set forth in subsections (b) and (c) of section 132a of title 10, United States Code, and section 192 of that title.

(3) Minimization of duplication of efforts, maximization of efficiency and effectiveness, and establishment of metrics for performance among and for all components of the Department, as set forth in section 132a(b) of title 10, United States Code.

(4) Issuance and maintenance of guidance on covered defense business systems, development and maintenance of the defense business enterprise architecture, exercise of authorities and responsibilities with respect to common enterprise data, leadership of and matters within the Defense Business Council, and service as the appropriate approval official in the case of certain covered defense business systems and programs, as set forth in section 2222 of title 10, United States Code.

(5) The Financial Improvement and Audit Remediation Plan, as set forth in section 240b of title 10, United States Code.

(6) Receipt of audit reports, as set forth in section 240d of title 10, United States Code.

(7) Discharge by the Department of the annual reviews required by section 11319 of title 40, United States Code.

(8) Business transformation efforts of the defense commissary system and the exchange stores system, as set forth in section 631 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92).

(9) Analysis of Department business management and operations datasets, as set forth in section 922 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 2222 note).

(10) Reviews, reports, and other actions required by sections 924, 925, 926, 927, and 1624 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, to the extent such reviews, reports, and actions have not been completed as of the date of the report under subsection (a).

(11) Science and technology activities in support of business systems information technology acquisition as set forth in section 217 of the National Defense Authorization Act for Fiscal Year 2016 (10 U.S.C. 2445a note).

(12) Relationships with the Chief Management Officers of the military departments, and the development and update of a strategic management plan for the Department, as set forth in section 904 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) and the amendments made by that section.

SEC. 913. PERFORMANCE IMPROVEMENT OFFICER OF THE DEPARTMENT OF DEFENSE.

(a) PERFORMANCE IMPROVEMENT OFFICER.—

(1) IN GENERAL.—Chapter 4 of title 10, United States Code, is amended by inserting after section 142 the following new section:

"§ 142a. Performance Improvement Officer of the Department of Defense

"(a) There is an Performance Improvement Officer of the Department of Defense, who is designated as provided in section 1124(a)(1) of title 31.

"(b) The Performance Improvement Officer shall—

"(1) perform the duties and responsibilities, and exercise the powers set forth in section 1124 of title 31; and

"(2) perform such additional duties and responsibilities, and exercise such other powers, as the Secretary of Defense and the Deputy Secretary of Defense may prescribe.

"(c) Subject to the authority, direction, and control of the Secretary of Defense, the Performance Improvement Officer reports, without intervening authority, directly to the Deputy Secretary of Defense, in the Deputy Secretary's role as the Chief Operating Officer of the Department of Defense under section 1123 of title 31.

"(d) The Performance Improvement Officer may communicate views on matters within the responsibility of the Officer directly to the Deputy Secretary of Defense, without obtaining the approval or concurrence of any other officer in the Department of Defense.".

(2) CLERICAL AMENDMENT.—The table of section at the beginning of chapter 4 of such title is amended by inserting after the item relating to section 142 the following new item:

"142a. Performance Improvement Officer of the Department of Defense.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall take effect on such date as the Secretary of Defense shall specify for purposes of this section, which date may not be later than one day before the effective date specified by the Secretary pursuant to section 911(a)(1).

(2) NOTICE.—The Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a notice on the effective date specified pursuant to paragraph (1).

SEC. 914. ASSIGNMENT OF CERTAIN RESPONSIBILITIES AND DUTIES TO PARTICULAR OFFICERS OF THE DEPARTMENT OF DEFENSE.

(a) CERTAIN RESPONSIBILITIES AND DUTIES OF DEPUTY SECRETARY OF DEFENSE.—

(1) CHIEF OPERATING OFFICER OF THE DEPARTMENT OF DEFENSE.—Section 132 of title 10, United States Code, is amended—

(A) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively; and

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

"(c)(1) In accordance with section 1123 of title 31, the Deputy Secretary performs the duties, has the responsibilities, and exercises the powers of the Chief Operating Officer of the Department of Defense.

"(2) Subject to the authority, direction, and control of the Secretary of Defense, the Deputy Secretary shall supervise the Performance Improvement Officer of the Department of Defense in the Officer's performance of duties and responsibilities specified in section 142a of this title.".

(2) DESIGNATION OF PRIORITY DEFENSE BUSINESS SYSTEMS.—Section 2222(h)(5)(B) of such title is amended by striking "the Chief Management Officer of the Department of Defense" and inserting "the Deputy Secretary of Defense, or such other officer of the Department of Defense as the Secretary or the Deputy Secretary may designate,".

(b) PERIODIC REVIEWS OF DEFENSE AGENCIES AND DEPARTMENT OF DEFENSE FIELD ACTIVITIES IN CONNECTION WITH BUSINESS ENTERPRISE REFORM.—Section 192(c) of such title is amended—

(1) by redesignating paragraph (3), as redesignated by section 923(a)(1) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1930), as paragraph (4);

(2) by redesignating paragraphs (1) and (2), as added by section 923(a)(2) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, as paragraphs (2) and (3), respectively;

(3) in paragraph (2), as redesignated by paragraph (2) of this subsection—

(A) in subparagraph (A), by striking "the Chief Management Officer of the Department of Defense" and inserting "the Secretary, the Deputy Secretary of Defense, or an officer of the Department of Defense designated by the Secretary or the Deputy Secretary";

(B) in subparagraph (B), by striking "the Chief Management Officer" and inserting "the officer conducting such review"; and

(C) in subparagraph (C), by striking "the Chief Management Officer" and inserting "the Secretary"; and

(4) in paragraph (3), as so redesignated, by striking "the Chief Management Officer" each place it appears in subparagraphs (A) and (B) and inserting "the officer conducting such review".

(c) RESPONSIBILITY OF UNDER SECRETARY OF DEFENSE (COMPTROLLER) FOR FINANCIAL IMPROVEMENT AND AUDIT REMEDIATION PLAN.—Subsection (a) of section 240b of such title is amended to read as follows:

"(a) IN GENERAL.—The Under Secretary of Defense (Comptroller) shall, together with such other officers and employees of the Department of Defense as the Secretary of Defense or the Deputy Secretary of Defense may designate, shall maintain a plan to be known as the 'Financial Improvement and Audit Remediation Plan'.".

(d) PERFORMANCE IMPROVEMENT OFFICER FUNCTIONS FOR DEFENSE BUSINESS SYSTEMS.—Section 2222 of such title is amended—

(1) in subsection (e)(6)(C), by inserting "and the Performance Improvement Officer of the Department of Defense" after "The Director of Cost Assessment and Program Evaluation"; and

(2) in subsection (f)(2)(B)—

(A) by redesignating clauses (i) through (iii) as clauses (ii) through (iv), respectively; and

(B) by inserting before clause (ii), as redesignated by paragraph (1), the following new clause (i):

''(i) The Performance Improvement Officer of the Department of Defense.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the effective date specified in section 911(a)(1).

SEC. 915. ASSIGNMENT OF RESPONSIBILITIES AND DUTIES OF CHIEF MANAGEMENT OFFICER TO OFFICERS OR EMPLOYEES OF THE DEPARTMENT OF DEFENSE TO BE DESIGNATED.

(a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) In section 240d(d)(1)(A), by striking ''the Chief Management Officer of the Department of Defense'' and inserting ''any other officer or employee of the Department of Defense that the Secretary of Defense or the Deputy Secretary of Defense may designate for purposes of this section''.

(2) Section 2222 is amended—

(A) in subsection (c)(2)—

(i) by striking ''the Chief Management Officer of the Department of Defense,''; and

(ii) by striking ''and the Chief Management Officer of each of the military departments'' and inserting ''the Chief Management Officer of each of the military departments, and other appropriate officers or employees of the Department and its components'';

(B) in subsection (e)—

(i) in paragraph (1), by striking ''the Chief Management Officer of the Department of Defense'' and inserting ''such officers or employees of the Department of Defense as the Secretary shall designate'';

(ii) in paragraph (6)—

(I) in subparagraph (A)—

(aa) by striking ''The Chief Management Officer of the Department of Defense'' and inserting ''Such officers of the Department of Defense as the Secretary shall designate''; and

(bb) by striking ''the Chief Management Officer'' and inserting ''such officers''; and

(II) in subparagraph (B), by striking ''The Chief Management Officer and the Under Secretary of Defense (Comptroller)'' and inserting ''The Under Secretary of Defense (Comptroller) and such other officers of the Department as the Secretary shall designate'';

(C) in subsection (f)(1), by striking ''the Chief Management Office and the Chief Information Office of the Department of Defense'' and inserting ''the Chief Information Officer of the Department of Defense and such other officers or employees of the Department of Defense as the Secretary may designate''; and

(D) in subsection (g)(2), by striking ''the Chief Management Officer of the Department of Defense'' each place it appears in subparagraphs (A) and (B)(ii) and inserting ''an officer or employee of the Department of Defense designated by the Secretary''.

(b) TITLE 40, UNITED STATES CODE.—Section 11319(d)(4) of title 40, United States Code, is amended by striking ''the Chief Management Officer of the Department of Defense (of any successor to such Officer)'' and inserting ''the officer of the Department of Defense designated by the Secretary of Defense or the Deputy Secretary of Defense for such purpose''.

(c) PUBLIC LAW 116–92.—Section 631(a) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended by striking ''the Chief Management Officer of the Department of Defense'' and inserting ''such officer of the Department of Defense as the Secretary of Defense or the Deputy Secretary of Defense may designate''.

(d) PUBLIC LAW 115–232.—The John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232) is amended as follows:

(1) In section 921(b)(1) (10 U.S.C. 2222 note)—

(A) in subparagraph (A), by striking ''the Chief Management Officer of the Department of Defense'' and inserting ''such officer or employee of the Department of Defense as the Secretary of Defense or the Deputy Secretary of Defense shall designate'';

(B) in subparagraph (B)—

(i) in the subparagraph heading, by striking ''CMO'';

(ii) by striking ''the Chief Management Officer'' the first place it appears and inserting ''the Secretary shall, acting through such officer or employee of the Department as the Secretary or the Deputy Secretary shall designate''; and

(iii) by striking ''by the Chief Management Officer''.

(2) In section 922 (10 U.S.C. 2222 note)—

(A) in subsection (a), by striking ''The Chief Management Officer of the Department of Defense'' and inserting ''An officer or employee of the Department of Defense designated by the Secretary of Defense or the Deputy Secretary of Defense''; and

(B) in subsection (b)—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A), by striking ''The Chief Management Officer'' and inserting ''The officer or employee designated pursuant to subsection (a)''; and

(II) in subparagraph (B), by striking ''The Chief Management Officer'' and inserting ''such officer or employee''; and

(ii) in paragraph (2), by striking ''the Chief Management Officer shall take appropriate actions'' and inserting ''all appropriate actions shall be taken''.

(3) In section 924 (10 U.S.C. 191 note)—

(A) in subsection (a), by striking ''the Chief Management Officer of the Department of Defense'' in the matter preceding paragraph (1) and inserting ''such officer of the Department of Defense as the Secretary or Defense or the Deputy Secretary of Defense shall designate'';

(B) in subsection (b)—

(i) in the matter preceding paragraph (1), by striking ''the Chief Management Officer'' and inserting ''the officer designated pursuant to subsection (a)''; and

(ii) in subparagraph (B), by striking ''the Chief Management Officer'' and inserting ''such officer''; and

(C) in subsection (c)—

(i) by striking ''the Chief Management Officer'' the first place it appears and inserting ''the officer designated pursuant to subsection (a)''; and

(ii) by striking ''the Chief Management Officer'' the second place it appears and inserting ''such officer''.

(4) In section 925(a) (132 Stat. 1932), by striking ''the Chief Management Officer of the Department of Defense'' in the matter preceding paragraph (1) and inserting ''such officer of the Department of Defense as the Secretary or Defense or the Deputy Secretary of Defense shall designate''.

(5) In section 926(a) (132 Stat. 1932), by striking ''the Chief Management Officer of the Department of Defense'' in the matter preceding paragraph (1) and inserting ''such officer of the Department of Defense as the Secretary or Defense or the Deputy Secretary of Defense shall designate''.

(6) In section 927 (132 Stat. 1933)—

(A) in subsection (a), by striking ''the Chief Management Officer of the Department of Defense'' and inserting ''such officer of the Department of Defense as the Secretary or Defense or the Deputy Secretary of Defense shall designate''; and

(B) in subsections (c) and (d), by striking ''the Chief Management Officer'' each place it appears and inserting ''the officer designated pursuant to subsection (a)''.

(7) In section 1624(a) (10 U.S.C. 2222 note)—

(A) in paragraph (1), by striking ''the Chief Management Officer of the Department of Defense'' and inserting ''such officer of the Department of Defense as the Secretary or Defense or the Deputy Secretary of Defense shall designate'';

(B) by striking ''the Chief Management Officer'' each place it appears in paragraphs (2), (3), and (4) and inserting ''the officer designated pursuant to paragraph (1)''; and

(C) by inserting ''and Security'' after ''for Intelligence'' each place it appears.

(e) PUBLIC LAW 114–92.—The National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92) is amended as follows:

(1) In section 217—

(A) in subsection (a), by striking ''the Deputy Chief Management Officer, and the Chief Information Officer'' and inserting ''the Chief Information Officer, and any other officer of the Department of Defense designated by the Secretary of Defense or the Deputy Secretary of Defense for such purpose''; and

(B) in subsections (b), (f)(1)(A)(ii), and (f)(2)(B), by striking ''the Deputy Chief Management Officer'' each place it appears and inserting ''any officer designated pursuant to subsection (a)''.

(2) In section 881(a) (10 U.S.C. 2302 note), by striking ''the Deputy Chief Management Officer,''.

(f) PUBLIC LAW 110–81.—Section 904 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–81; 122 Stat. 273)) is amended—

(1) in subsection (b)(4), by striking ''the Chief Management Officer and Deputy Chief Management Officer of the Department of Defense'' and inserting ''such officer of the Department of Defense as the Secretary of Defense or the Deputy Secretary of Defense shall designate''; and

(2) in subsection (d)—

(A) in paragraph (1), by striking ''the Chief Management Officer of the Department of Defense'' and inserting ''such officer of the Department of Defense as the Secretary of Defense or the Deputy Secretary of Defense may designate for purposes of this subsection''; and

(B) in paragraph (3), by striking ''the Chief Management Officer'' and inserting ''the officer designated pursuant to paragraph (1)''.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect on the effective date specified in section 911(a)(1).

SEC. 916. DEFINITION OF ENTERPRISE BUSINESS OPERATIONS FOR TITLE 10, UNITED STATES CODE.

Effective on the effective date specified in section 911(a)(1) of this Act, section 101(e) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(9) ENTERPRISE BUSINESS OPERATIONS.—The term 'enterprise business operations'—

''(A) means activities that constitute cross-cutting business operations used by multiple components of the Department of Defense, but excludes activities that are directly tied to a single military department or Department of Defense component; and

''(B) includes business-support functions designated by the Secretary of Defense or the Deputy Secretary of Defense, including aspects of financial management, healthcare, acquisition and procurement, supply chain and logistics, certain information technology, real property, and human resources operations.''.

SEC. 917. ANNUAL REPORT ON ENTERPRISE BUSINESS OPERATIONS OF THE DEPARTMENT OF DEFENSE.

(a) ANNUAL REPORT REQUIRED.—Not later than March 31 each year, the Secretary of Defense shall submit to Congress a report that includes the following:

(1) Each proposed budget for the enterprise business operations of a Defense Agency or Department of Defense Field Activity for the fiscal year beginning in the year in which such report is submitted.

(2) An identification of each proposed budget described in paragraph (1) that does not achieve required levels of efficiency and effectiveness for enterprise business operations.

(3) A discussion of the actions that the Secretary proposes to take, including recommendations for legislative action that the Secretary considers appropriate, to address inadequate levels of efficiency and effectiveness for enterprise business operations achieved by the proposed budgets described in paragraph (1).

(4) Any additional comments that the Secretary considers appropriate regarding inadequate levels of efficiency and effectiveness for enterprise business operations achieved by the proposed budgets described in paragraph (1).

(b) SUBMITTAL.—The Secretary may submit a report required by subsection (a) through the Deputy Secretary of Defense.

(c) ENTERPRISE BUSINESS OPERATIONS DEFINED.—In this section, the term ''enterprise business operations'' has the meaning given that term in paragraph (9) of section 101(e) of title 10, United States Code (as added by section 916 of this Act).

SEC. 918. CONFORMING AMENDMENTS.

(a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) In section 131(b)—

(A) by striking paragraph (2);

(B) by redesignating paragraphs (3) through (9) as paragraphs (2) through (8), respectively; and

(C) in paragraph (7), as redesignated by subparagraph (B)—

(i) by redesignating subparagraphs (A) through (F) as subparagraphs (B) through (G), respectively; and

(ii) by inserting before subparagraph (B), as redesignated by clause (i), the following new subparagraph (A):

''(A) The Performance Improvement Officer of the Department of Defense.''.

(2) In section 133a(c)—

(A) in paragraph (1), by striking '', the Deputy Secretary of Defense, and the Chief Management Officer of the Department of Defense'' and inserting ''and the Deputy Secretary of Defense''; and

(B) in paragraph (2), by striking ''the Chief Management Officer,''.

(3) In section 133b(c)—

(A) in paragraph (1), by striking ''the Chief Management Officer of the Department of Defense,''; and

(B) in paragraph (2), by striking ''the Chief Management Officer,''.

(4) In section 137a(d), by striking ''the Chief Management Officer of the Department of Defense,''.

(5) In section 138(d), by striking ''the Chief Management Officer of the Department of Defense,''.

(6) In section 240b(b)(1)(C)(ii), by striking '', the Chief Management Officer,''.

(b) EXECUTIVE SCHEDULE LEVEL II.—Section 5313 of title 5, United States Code, is amended by striking the item relating to the Chief Management Officer of the Department of Defense.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the effective date specified in section 911(a)(1).

Subtitle C—Space Force Matters

PART I—AMENDMENTS TO INTEGRATE THE SPACE FORCE INTO LAW

SEC. 931. CLARIFICATION OF SPACE FORCE AND CHIEF OF SPACE OPERATIONS AUTHORITIES.

(a) COMPOSITION OF SPACE FORCE.—Section 9081 of title 10, United States Code, is amended by striking subsection (b) and inserting the following new subsection (b):

''(b) COMPOSITION.—The Space Force consists of—

''(1) the Regular Space Force;

''(2) all persons appointed or enlisted in, or conscripted into, the Space Force, including those not assigned to units, necessary to form the basis for a complete and immediate mobilization for the national defense in the event of a national emergency; and

''(3) all Space Force units and other Space Force organizations, including installations and supporting and auxiliary combat, training, administrative, and logistic elements.''.

(b) FUNCTIONS.—Section 9081 of title 10, United States Code, is further amended—

(1) by striking subsection (c) and inserting the following new subsection (c):

''(c) FUNCTIONS.—The Space Force shall be organized, trained, and equipped to—

''(1) provide freedom of operation for the United States in, from, and to space;

''(2) conduct space operations; and

''(3) protect the interests of the United States in space.''; and

(2) by striking subsection (d).

(c) CLARIFICATION OF CHIEF OF SPACE OPERATIONS AUTHORITIES.—Section 9082 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''general officers of the Air Force'' and inserting ''general, flag, or equivalent officers of the Space Force''; and

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

''(3) The President may appoint an officer as Chief of Space Operations only if—

''(A) the officer has had significant experience in joint duty assignments; and

''(B) such experience includes at least one full tour of duty in a joint duty assignment (as defined in section 664(d) of this title) as a general, flag, or equivalent officer of the Space Force.

''(4) The President may waive paragraph (3) in the case of an officer if the President determines such action is necessary in the national interest.'';

(2) in subsection (b), by striking ''grade of general'' and inserting ''grade in the Space Force equivalent to the grade of general in the Army, Air Force, and Marine Corps, or admiral in the Navy''; and

(3) in subsection (d)—

(A) in paragraph (4), by striking ''and'' at the end;

(B) by redesignating paragraph (5) as paragraph (6); and

(C) by inserting after paragraph (4) the following new paragraph (5):

''(5) perform duties prescribed for the Chief of Space Operations by sections 171 and 2547 of this title and other provision of law; and''.

(d) REPEAL OF OFFICER CAREER FIELD FOR SPACE.—Section 9083 of title 10, United States Code, is repealed.

(e) REGULAR SPACE FORCE.—Chapter 908 of title 10, United States Code, as amended by subsection (d), is further amended by adding at the end the following new section 9083:

''§ 9083. Regular Space Force: composition

''(a) IN GENERAL.—The Regular Space Force is the component of the Space Force that consists of persons whose continuous service on active duty in both peace and war is contemplated by law, and of retired members of the Regular Space Force.

''(b) COMPOSITION.—The Regular Space Force includes—

''(1) the officers and enlisted members of the Regular Space Force; and

''(2) the retired officers and enlisted members of the Regular Space Force.''.

(f) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 908 of title 10, United States Code, is amended by striking the item relating to section 9083 and inserting the following new item:

''9083. Regular Space Force: composition.''.

SEC. 932. AMENDMENTS TO DEPARTMENT OF THE AIR FORCE PROVISIONS IN TITLE 10, UNITED STATES CODE.

(a) SUBTITLE.—

(1) HEADING.—The heading of subtitle D of title 10, United States Code, is amended to read as follows:

''Subtitle D—Air Force and Space Force''.

(2) TABLE OF SUBTITLES.—The table of subtitles at the beginning of such title is amended is amended by striking the item relating to subtitle D and inserting the following new item:

''D. Air Force and Space Force ..... 9011''.

(b) ORGANIZATION.—

(1) SECRETARY OF THE AIR FORCE.—Section 9013 of title 10, United States Code, is amended—

(A) in subsection (f), by inserting ''and officers of the Space Force'' after ''Officers of the Air Force''; and

(B) in subsection (g)(1), by inserting '', members of the Space Force,'' after ''members of the Air Force''.

(2) OFFICE OF THE SECRETARY OF THE AIR FORCE.—Section 9014 of such title is amended—

(A) in subsection (b), by striking paragraph (4) and inserting the following new paragraph (4)

''(4) The Inspector General of the Department of the Air Force.'';

(B) in subsection (c)—

(i) in paragraph (1), by striking ''and the Air Staff'' and inserting '', the Air Staff, and the Office of the Chief of Space Operations'';

(ii) in paragraph (2), by inserting ''or the Office of the Chief of Space Operations'' after ''the Air Staff'';

(iii) in paragraph (3), by striking ''to the Chief of Staff and to the Air Staff'' and all that follows through the end and inserting ''to the Chief of Staff of the Air Force and the Air Staff, and to the Chief of Space Operations and the Office of the Chief of Space Operations, and shall ensure that each such office or entity provides the Chief of Staff and Chief of Space Operations such staff support as the Chief concerned considers necessary to perform the Chief's duties and responsibilities.''; and

(iv) in paragraph (4)—

(I) by inserting ''and the Office of the Chief of Space Operations'' after ''the Air Staff''; and

(II) by inserting ''and the Chief of Space Operations'' after ''Chief of Staff'';

(C) in subsection (d)—

(i) in paragraph (1), by striking ''and the Air Staff'' and inserting '', the Air Staff, and the Office of the Chief of Space Operations'';

(ii) in paragraph (2), by inserting ''and the Office of the Chief of Space Operations'' after ''the Air Staff''; and

(iii) in paragraph (4), by striking ''to the Chief of Staff of the Air Force and to the Air Staff'' and all that follows through the end and inserting ''to the Chief of Staff of the Air Force and the Air Staff, and to the Chief of Space Operations and the Office of the Chief of Space Operations, and shall ensure that each such office or entity provides the Chief of Staff and Chief of Space Operations such staff support as the Chief concerned considers necessary to perform the Chief's duties and responsibilities.''; and

(D) in subsection (e)—

(i) by striking ''and the Air Staff'' and inserting '', the Air Staff, and the Office of the Chief of Space Operations''; and

(ii) by striking ''to the other'' and inserting ''to any of the others''.

(3) SECRETARY OF THE AIR FORCE: SUCCESSORS TO DUTIES.—Section 9017(4) of such title is amended by inserting before the period the following: ''of the Air Force and the Chief of Space Operations, in the order prescribed by the Secretary of the Air Force and approved by the Secretary of Defense''.

(4) INSPECTOR GENERAL.—Section 9020 of such title is amended—

(A) in subsection (a)—

(i) by inserting ''Department of the'' after ''Inspector General of the''; and

(ii) by inserting ''or the general, flag, or equivalent officers of the Space Force'' after ''general officers of the Air Force'';

(B) in subsection (b)—

(i) in the matter preceding paragraph (1), by striking ''or the Chief of Staff'' and inserting '', the Chief of Staff of the Air Force, or the Chief of Space Operations'';

(ii) in paragraph (1), by inserting ''Department of the'' before ''Air Force''; and

(iii) in paragraph (2), by striking ''or the Chief of Staff'' and inserting '', the Chief of Staff, or the Chief of Space Operations'' ; and

(C) in subsection (e), by inserting ''or the Space Force'' before ''for a tour of duty''.

(5) THE AIR STAFF: FUNCTION; COMPOSITION.—Section 9031(b)(8) of such title is amended by inserting ''or the Space Force'' after ''of the Air Force''.

(6) SURGEON GENERAL: APPOINTMENT; DUTIES.—Section 9036(b) of such title is amended—

(A) in paragraph (1), by striking ''Secretary of the Air Force and the Chief of Staff of the Air Force on all health and medical matters of the Air Force'' and inserting ''Secretary of the Air Force, the Chief of Staff of the Air Force, and the Chief of Space Operations on all health and medical matters of the Air Force and the Space Force''; and

(B) in paragraph (2)—

(i) by inserting ''and the Space Force'' after ''of the Air Force'' the first place it appears; and

(ii) by inserting ''and members of the Space Force'' after ''of the Air Force'' the second place it appears.

(7) JUDGE ADVOCATE GENERAL, DEPUTY JUDGE ADVOCATE GENERAL: APPOINTMENT; DUTIES.—Section 9037 of such title is amended—

(A) in subsection (e)(2)(B), by inserting ''or the Space Force'' after ''of the Air Force''; and

(B) in subsection (f)(1), by striking ''the Secretary of the Air Force or the Chief of Staff of the Air Force'' and inserting ''the Secretary of the Air Force, the Chief of Staff of the Air Force, or the Chief of Space Operations''.

(8) CHIEF OF CHAPLAINS: APPOINTMENT; DUTIES.—Section 9039(a) of such title is amended by striking ''in the Air Force'' and inserting ''for the Air Force and the Space Force''.

(9) PROVISION OF CERTAIN PROFESSIONAL FUNCTIONS FOR THE SPACE FORCE.—Section 9063 of such title is amended—

(A) in subsections (a) through (i), by striking ''in the Air Force'' each place it appears and inserting ''in the Air Force and the Space Force''; and

(B) in subsection (i), as amended by subparagraph (A), by inserting ''or the Space Force'' after ''members of the Air Force''.

(c) PERSONNEL.—

(1) GENDER-FREE BASIS FOR ACCEPTANCE OF ORIGINAL ENLISTMENTS.—

(A) IN GENERAL.—Section 9132 of title 10, United States Code, is amended by inserting ''or the Regular Space Force'' after ''Regular Air Force''.

(B) HEADING.—The heading of such section 9132 is amended to read as follows:

''§ 9132. Regular Air Force and Regular Space Force: gender-free basis for acceptance of original enlistments''.

(C) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 913 of such title is amended by striking the item relating to section 9132 and inserting the following new item:

''9132. Regular Air Force and Regular Space Force: gender-free basis for acceptance of original enlistments.''.

(2) REENLISTMENT AFTER SERVICE AS AN OFFICER.—

(A) IN GENERAL.—Section 9138 of such title is amended in subsection (a)—

(i) by inserting ''or the Regular Space Force'' after ''Regular Air Force'' both places it appears; and

(ii) by inserting ''or the Space Force'' after ''officer of the Air Force'' both places it appears.

(B) HEADING.—The heading of such section 9132 is amended to read as follows:

''§ 9132. Regular Air Force and Regular Space Force: reenlistment after service as an officer''.

(C) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 913 of such title, as amended by paragraph (1)(C), is further by striking the item relating to section 9138 and inserting the following new item:

''9138. Regular Air Force and Regular Space Force: reenlistment after service as an officer.''.

(3) APPOINTMENTS IN THE REGULAR AIR FORCE AND REGULAR SPACE FORCE.—

(A) IN GENERAL.—Section 9160 of such title is amended—

(i) by inserting ''or the Regular Space Force'' after ''Regular Air Force''; and

(ii) by inserting ''or the Space Force'' before the period.

(B) CHAPTER HEADING.—The heading of chapter 915 of such title is amended to read as follows:

''CHAPTER 915—APPOINTMENTS IN THE REGULAR AIR FORCE AND THE REGULAR SPACE FORCE''.

(C) TABLES OF CHAPTERS.—The table of chapters at the beginning of subtitle D of such title, and at the beginning of part II of subtitle D of such title, are each amended by striking the item relating to chapter 915 and inserting the following new item:

''915. Appointments in the Regular Air Force and the Regular Space Force ..... 9151''.

(4) RETIRED COMMISSIONED OFFICERS: STATUS.—Section 9203 of such title is amended by inserting ''or the Space Force'' after ''the Air Force''.

(5) DUTIES: CHAPLAINS; ASSISTANCE REQUIRED OF COMMANDING OFFICERS.—Section 9217(a) of such title is amended by inserting ''or the Space Force'' after ''the Air Force''.

(6) RANK: COMMISSIONED OFFICERS SERVING UNDER TEMPORARY APPOINTMENTS.—Section 9222 of such title is amended by inserting ''or the Space Force'' after ''the Air Force'' both places it appears.

(7) REQUIREMENT OF EXEMPLARY CONDUCT.—Section 9233 of such title is amended—

(A) in the matter preceding paragraph (1), by inserting ''and in the Space Force'' after ''the Air Force''; and

(B) in paragraphs (3) and (4), by inserting ''or the Space Force, respectively'' after ''the Air Force''.

(8) ENLISTED MEMBERS: OFFICERS NOT TO USE AS SERVANTS.—Section 9239 of such title is amended by inserting ''or the Space Force'' after ''Air Force'' both places it appears.

(9) PRESENTATION OF UNITED STATES FLAG UPON RETIREMENT.—Section 9251(a) of such title is amended by inserting ''or the Space Force'' after ''member of the Air Force''.

(10) SERVICE CREDIT: REGULAR ENLISTED MEMBERS; SERVICE AS AN OFFICER TO BE COUNTED AS ENLISTED SERVICE.—Section 9252 of such title is amended—

(A) by inserting ''or the Regular Space Force'' after ''Regular Air Force''; and

(B) by inserting ''in the Space Force,'' after ''in the Air Force,''.

(11) WHEN SECRETARY MAY REQUIRE HOSPITALIZATION.—Section 9263 of such title is amended by inserting ''or the Space Force'' after ''member of the Air Force''.

(12) DECORATIONS AND AWARDS.—

(A) IN GENERAL.—Chapter 937 of such title is amended by inserting ''or the Space Force'' after ''the Air Force'' each place it appears in the following provisions:

(i) Section 9271.

(ii) Section 9272.

(iii) Section 9273.

(iv) Section 9276.

(v) Section 9281 other than the first place it appears in subsection (a).

(vi) Section 9286(a) other than the first place it appears.

(B) MEDAL OF HONOR; AIR FORCE CROSS; DISTINGUISHED-SERVICE MEDAL: DELEGATION OF POWER TO AWARD.—Section 9275 of such title is amended by inserting before the period at the end the following: '', or to an equivalent commander of a separate space force or higher unit in the field''.

(13) TWENTY YEARS OR MORE: REGULAR OR RESERVE COMMISSIONED OFFICERS.—Section 9311(a) of such title is amended by inserting ''or the Space Force'' after ''officer of the Air Force''.

(14) TWENTY TO THIRTY YEARS: ENLISTED MEMBERS.—Section 9314 of such title is amended by inserting ''or the Space Force'' after ''member of the Air Force''.

(15) THIRTY YEARS OR MORE: REGULAR ENLISTED MEMBERS.—Section 9317 of such title is amended by inserting ''or the Space Force'' after ''Air Force''.

(16) THIRTY YEARS OR MORE: REGULAR COMMISSIONED OFFICERS.—Section 9318 of such title is amended by inserting ''or the Space Force'' after ''Air Force''.

(17) FORTY YEARS OR MORE: AIR FORCE OFFICERS.—

(A) IN GENERAL.—Section 9324 of such title is amended in subsections (a) and (b) by inserting ''or the Space Force'' after ''Air Force''.

(B) HEADING.—The heading of such section 9324 is amended to read as follows:

''§ 9324. Forty years or more: Air Force officers and Space Force officers''.

(C) TABLE OF SECTIONS AMENDMENT.—The table of sections at the beginning of chapter 941 of such title is amended by striking the item relating to section 9324 and inserting the following new item:

''9324. Forty years or more: Air Force officers and Space Force officers.''.

(18) COMPUTATION OF YEARS OF SERVICE: VOLUNTARY RETIREMENT; ENLISTED MEMBERS.—Section 9325(a) of such title is amended by inserting ''or the Space Force'' after ''Air Force''.

(19) COMPUTATION OF YEARS OF SERVICE: VOLUNTARY RETIREMENT; REGULAR AND RESERVE COMMISSIONED OFFICERS.—

(A) IN GENERAL.—Section 9326(a) of such title is amended—

(i) in the matter preceding paragraph (1), by inserting ''or the Space Force'' after ''of the Air Force''; and

(ii) in paragraph (1), by striking ''or the Air Force'' and inserting '', the Air Force, or the Space Force''.

(B) TECHNICAL AMENDMENTS.—Such section 9326(a) is further amended by striking ''his'' each place it appears and inserting ''the officer's''.

(20) COMPUTATION OF RETIRED PAY: LAW APPLICABLE.—Section 9329 of such title is amended by inserting ''or the Space Force'' after ''Air Force''.

(21) RETIRED GRADE.—

(A) HIGHER GRADE AFTER 30 YEARS OF SERVICE: WARRANT OFFICERS AND ENLISTED MEMBERS.—Section 9344 of such title is amended—

(i) in subsection (a), by inserting ''or the Space Force'' after ''member of the Air Force''; and

(ii) in subsection (b)—

(I) in paragraphs (1) and (3), by inserting ''or the Space Force'' after ''Air Force'' each place it appears; and

(II) in paragraph (2), by inserting ''or the Regular Space Force'' after ''Regular Air Force''.

(B) RESTORATION TO FORMER GRADE: RETIRED WARRANT OFFICERS AND ENLISTED MEMBERS.—Section 9345 of such title is amended by inserting ''or the Space Force'' after ''member of the Air Force''.

(C) RETIRED LISTS.—Section 9346 of such title is amended—

(i) in subsections (a) and (d), by inserting ''or the Regular Space Force'' after ''Regular Air Force'';

(ii) in subsection (b)(1), by inserting before the semicolon the following: '', or for commissioned officers of the Space Force other than of the Regular Space Force''; and

(iii) in subsections (b)(2) and (c), by inserting ''or the Space Force'' after ''Air Force''.

(22) RECOMPUTATION OF RETIRED PAY TO REFLECT ADVANCEMENT ON RETIRED LIST.—Section 9362(a) of such title is amended by inserting ''or the Space Force'' after ''Air Force''.

(23) FATALITY REVIEWS.—Section 9381(a) of such title is amended in paragraphs (1), (2), and (3) by inserting ''or the Space Force'' after ''Air Force''.

(d) TRAINING.—

(1) MEMBERS OF AIR FORCE: DETAIL AS STUDENTS, OBSERVERS, AND INVESTIGATORS AT EDUCATIONAL INSTITUTIONS, INDUSTRIAL PLANTS, AND HOSPITALS.—

(A) IN GENERAL.—Section 9401 of title 10, United States Code, is amended—

(i) in subsection (a), by inserting ''and members of the Space Force'' after ''members of the Air Force'';

(ii) in subsection (b), by inserting ''or the Regular Space Force'' after ''Regular Air Force'';

(iii) in subsection (c),by inserting ''or Reserve of the Space Force'' after ''Reserve of the Air Force'';

(iv) in subsection (e), by inserting ''or the Space Force'' after ''Air Force''; and

(v) in subsection (f)—

(I) by inserting ''or the Regular Space Force'' after ''Regular Air Force''; and

(II) by inserting ''or the Space Force Reserve'' after ''the reserve components of the Air Force''.

(B) TECHNICAL AMENDMENTS.—Subsection (c) of such section 9401 is further amended—

(i) by striking ''his'' and inserting ''the Reserve's''; and

(ii) by striking ''he'' and inserting ''the Reserve'',

(C) HEADING.—The heading of such section 9401 is amended to read as follows:

''§ 9401. Members of Air Force and Space Force: detail as students, observers and investigators at educational institutions, industrial plants, and hospitals''.

(D) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 951 of such title is amended by striking the item relating to section 9401 and inserting the following new item:

''9401. Members of Air Force and Space Force: detail as students, observers, and investigators at educational institutions, industrial plants, and hospitals.''.

(2) ENLISTED MEMBERS OF AIR FORCE: SCHOOLS.—

(A) IN GENERAL.—Section 9402 of such title is amended—

(i) in subsection (a)—

(I) in the first sentence, by inserting ''and enlisted members of the Space Force'' after ''members of the Air Force''; and

(II) in the third sentence, by inserting ''and Space Force officers'' after ''Air Force officers''; and

(ii) in subsection (b), by inserting ''or the Space Force'' after ''Air Force'' each place it appears.

(B) HEADING.—The heading of such section 9402 is amended to read as follows:

''§ 9402. Enlisted members Air Force or Space Force: schools''.

(C) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 951 of such title is amended by striking the item relating to section 9402 and inserting the following new item:

''9402. Enlisted members of Air Force or Space Force: schools.''.

(3) SERVICE SCHOOLS: LEAVES OF ABSENCE FOR INSTRUCTORS.—Section 9406 of such title is amended by inserting ''or Space Force'' after ''Air Force''.

(4) DEGREE GRANTING AUTHORITY FOR UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY.—Section 9414(d)(1) of such title is amended by inserting ''or the Space Force'' after ''needs of the Air Force''.

(5) UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY: ADMINISTRATION.—Section 9414b(a)(2) is amended—

(A) by inserting ''or the Space Force'' after ''the Air Force'' each place it appears; and

(B) in subparagraph (B), by inserting ''or the equivalent grade in the Space Force'' after ''brigadier general''.

(6) COMMUNITY COLLEGE OF THE AIR FORCE: ASSOCIATE DEGREES.—Section 9415 of such title is amended—

(A) in subsection (a) in the matter preceding paragraph (1), by striking ''in the Air Force'' and inserting ''in the Department of the Air Force''; and

(B) in subsection (b)—

(i) in paragraph (1), by inserting ''or the Space Force'' after ''Air Force'';

(ii) in paragraph (2), by striking ''other than'' and all that follows through the end and inserting ''other than the Air Force or the Space Force who are serving as instructors at Department of the Air Force training schools.''; and

(iii) in paragraph (3), by inserting ''or the Space Force'' after ''Air Force''.

(7) AIR FORCE ACADEMY ESTABLISHMENT; SUPERINTENDENT; FACULTY.—Section 9431(a) of such title is amended by striking ''Air Force cadets'' and inserting ''cadets''.

(8) AIR FORCE ACADEMY SUPERINTENDENT; FACULTY: APPOINTMENT AND DETAIL.—Section 9433(a) of such title is amended by inserting ''or the Space Force'' after ''Air Force''.

(9) AIR FORCE ACADEMY PERMANENT PROFESSORS; DIRECTOR OF ADMISSIONS.—

(A) IN GENERAL.—Section 9436 of such title is amended—

(i) in subsection (a)—

(I) in the first sentence, by inserting ''in the Air Force or the equivalent grade in the Space Force'' after ''colonel'';

(II) in the second sentence, by inserting ''and a permanent professor appointed from the Regular Space Force has the grade equivalent to the grade of colonel in the Regular Air Force'' after ''grade of colonel''; and

(III) in the third sentence, by inserting ''in the Air Force or the equivalent grade in the Space Force'' after ''lieutenant colonel''; and

(ii) in subsection (b)—

(I) in the first sentence, ''in the Air Force or the equivalent grade in the Space Force'' after ''colonel'' each place it appears; and

(II) in the second sentence, by inserting ''and a person appointed from the Regular Space Force has the grade equivalent to the grade of colonel in the Regular Air Force'' after ''grade of colonel''.

(B) TECHNICAL AMENDMENTS.—Subsections (a) and (b) of such section 9436 are further amended by striking ''he'' each place it appears and inserting ''such person''.

(10) CADETS: APPOINTMENT; NUMBERS, TERRITORIAL DISTRIBUTION.—

(A) IN GENERAL.—Section 9442 of such title is amended—

(i) by striking ''Air Force Cadets'' each place it appears and inserting ''cadets''; and

(ii) in subsection (b)(2), by inserting ''or the Regular Space Force'' after ''Regular Air Force''.

(B) TECHNICAL AMENDMENT.—Subsection (b)(4) of such section 9442 is amended by striking ''him'' and inserting ''the Secretary''.

(11) CADETS: AGREEMENT TO SERVE AS OFFICER.—Section 9448(a) of such title is amended—

(A) in paragraph (2)(A), by inserting ''or the Regular Space Force'' after ''Regular Air Force''; and

(B) in paragraph (3)(A), by inserting before the semicolon the following: ''or as a Reserve in the Space Force for service in the Space Force Reserve''.

(12) CADETS: ORGANIZATION; SERVICE; INSTRUCTION.—Section 9449 of such title is amended by striking subsection (d).

(13) CADETS: HAZING.—Section 9452(c) of such title is amended—

(A) by striking ''an Air Force cadet'' and inserting ''a cadet''; and

(B) by striking ''or Marine Corps'' and inserting ''Marine Corps, or Space Force''.

(14) CADETS: DEGREE AND COMMISSION ON GRADUATION.—Section 9453(b) of such title is amended by inserting ''or in the equivalent grade in the Regular Space Force'' after ''Regular Air Force''.

(15) SUPPORT OF ATHLETIC PROGRAMS.—Section 9462(c)(2) of such title is amended by striking ''personnel of the Air Force'' and inserting ''personnel of the Department of the Air Force''.

(16) SCHOOLS AND CAMPS: ESTABLISHMENT: PURPOSE.—Section 9481 of such title is amended—

(A) by inserting '', the Space Force,'' after ''members of the Air Force,''; and

(B) by inserting ''or the Space Force Reserve'' after ''the Air Force Reserve''.

(17) SCHOOLS AND CAMPS: OPERATION.—Section 9482 of such title is amended—

(A) in paragraph (4), by inserting ''or the Regular Space Force'' after ''Regular Air Force''; and

(B) in paragraph (7), in the matter preceding subparagraph (A), by inserting ''or Space Force'' after ''Air Force''.

(e) SERVICE, SUPPLY, AND PROCUREMENT.—

(1) EQUIPMENT: BAKERIES, SCHOOLS, KITCHENS, AND MESS HALLS.—Section 9536 of title 10, United States Code, is amended in the matter preceding paragraph (1) by inserting ''or the Space Force'' after ''the Air Force''.

(2) RATIONS.—Section 9561 of such title is amended—

(A) in subsection (a)—

(i) in the first sentence, by inserting ''and the Space Force ration'' after ''the Air Force ration''; and

(ii) in the second sentence, by inserting ''or the Space Force'' after ''the Air Force''; and

(B) in subsection (b), by inserting ''or the Space Force'' after ''the Air Force''.

(3) CLOTHING.—Section 9562 of such title is amended by inserting ''and members of the Space Force'' after ''the Air Force''.

(4) CLOTHING: REPLACEMENT WHEN DESTROYED TO PREVENT CONTAGION.—Section 9563 of such title is amended by inserting ''or the Space Force'' after ''member of the Air Force''.

(5) COLORS, STANDARDS, AND GUIDONS OF DEMOBILIZED ORGANIZATIONS: DISPOSITION.—Section 9565 of such title is amended—

(A) in subsection (a), in the matter preceding paragraph (1), by inserting ''or the Space Force'' after ''organizations of the Air Force''; and

(B) in subsection (b), by inserting ''or the Space Force'' after ''the Air Force''.

(6) UTILITIES: PROCEEDS FROM OVERSEAS OPERATIONS.—Section 9591 of such title is amended by inserting ''or the Space Force'' after ''the Air Force''.

(7) QUARTERS: HEAT AND LIGHT.—Section 9593 of such title is amended by inserting ''and members of the Space Force'' after ''the Air Force''.

(8) AIR FORCE MILITARY HISTORY INSTITUTE: FEE FOR PROVIDING HISTORICAL INFORMATION TO THE PUBLIC.—

(A) IN GENERAL.—Section 9594 of such title is amended—

(i) in subsections (a) and (d), by inserting ''Department of the'' before ''Air Force Military History'' each place it appears; and

(ii) in subsection (e)(1)—

(I) by inserting ''Department of the'' before ''Air Force Military History''; and

(II) by inserting ''and the Space Force'' after ''materials of the Air Force''.

(B) HEADING.—The heading of such section 9594 is amended to read as follows:

''§ 9594. Department of the Air Force Military History Institute: fee for providing historical information to the public''.

(C) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 967 of such title is amended by striking the item relating to section 9594 and inserting the following new item:

''9594. Department of the Air Force Military History Institute: fee for providing historical information to the public.''.

(9) SUBSISTENCE AND OTHER SUPPLIES: MEMBERS OF ARMED FORCES; VETERANS; EXECUTIVE OR MILITARY DEPARTMENTS AND EMPLOYEES; PRICES.—Section 9621 of such title is amended—

(A) in subsection (a)—

(i) in paragraph (1), by inserting ''and members of the Space Force'' after ''the Air Force''; and

(ii) in paragraph (2), by inserting ''and officers of the Space Force'' after ''the Air Force'';

(B) in subsection (b), by inserting ''or the Space Force'' after ''the Air Force'';

(C) in subsection (c), by inserting ''or the Space Force'' after ''the Air Force'';

(D) in subsection (d), by striking ''or Marine Corps'' and inserting ''Marine Corps, or Space Force'';

(E) in subsection (e)—

(i) by inserting ''or the Space Force'' after ''the Air Force'' the first place it appears; and

(ii) by inserting ''or the Space Force, respectively'' after ''the Air Force'' the second place it appears;

(F) in subsection (f), by inserting ''or the Space Force'' after ''the Air Force''; and

(G) in subsection (h)—

(i) by inserting ''or the Space Force'' after ''the Air Force'' the first place it appears; and

(ii) by inserting ''or members of the Space Force'' after ''members of the Air Force''.

(10) RATIONS: COMMISSIONED OFFICERS IN FIELD.—Section 9622 of such title is amended by inserting ''and commissioned officers of the Space Force'' after ''officers of the Air Force''.

(11) MEDICAL SUPPLIES: CIVILIAN EMPLOYEES OF THE AIR FORCE.—Section 9624(a) of such title is amended—

(A) by striking ''air base'' and inserting ''Air Force or Space Force military installation''; and

(B) by striking ''Air Force when'' and inserting ''Department of the Air Force when''.

(12) ORDNANCE PROPERTY: OFFICERS OF ARMED FORCES; CIVILIAN EMPLOYEES OF AIR FORCE.—

(A) IN GENERAL.—Section 9625 of such title is amended—

(i) in subsection (a), by inserting ''or the Space Force'' after ''officers of the Air Force''; and

(ii) in subsection (b), by striking ''the Air Force'' and inserting ''the Department of the Air Force''.

(B) HEADING.—The heading of such section is amended to read as follows:

''§ 9625. Ordnance property: officers of the armed forces; civilian employees of the Department of the Air Force; American National Red Cross; educational institutions; homes for veterans' orphans''.

(C) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 969 of such title is amended by striking the item relating to section 9625 and inserting the following new item:

''9625. Ordnance property: officers of the armed forces; civilian employees of the Department of the Air Force; American National Red Cross; educational institutions; homes for veterans' orphans.''.

(13) SUPPLIES: EDUCATIONAL INSTITUTIONS.—Section 9627 of such title is amended—

(A) by inserting ''or the Space Force'' after ''for the Air Force'';

(B) by inserting ''or the Space Force'' after ''officer of the Air Force''; and

(C) by striking ''air science and tactics'' and inserting ''science and tactics''.

(14) SUPPLIES: MILITARY INSTRUCTION CAMPS.—Section 9654 of such title is amended—

(A) by inserting ''or Space Force'' after ''an Air Force''; and

(B) by striking ''air science and tactics'' and inserting ''science and tactics''.

(15) DISPOSITION OF EFFECTS OF DECEASED PERSONS BY SUMMARY COURT-MARTIAL.—Section 9712(a)(1) of such title is amended by inserting ''or the Space Force'' after ''the Air Force''.

(16) ACCEPTANCE OF DONATIONS: LAND FOR MOBILIZATION, TRAINING, SUPPLY BASE, OR AVIATION FIELD.—

(A) IN GENERAL.—Section 9771 of such title is amended in paragraph (2) by inserting ''or space mission-related facility'' after ''aviation field''.

(B) HEADING.—The heading of such section 9771 is amended to read as follows:

''§ 9771. Acceptance of donations: land for mobilization, training, supply base, aviation field, or space mission-related facility''.

(C) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 979 of such title is amended by striking the item relating to section 9771 and inserting the following new item:

''9771. Acceptance of donations: land for mobilization, training, supply base, aviation field, or space mission-related facility.''.

(17) ACQUISITION AND CONSTRUCTION: AIR BASES AND DEPOTS.—

(A) IN GENERAL.—Section 9773 of such title is amended—

(i) in subsection (a)—

(I) by striking ''permanent air bases'' and inserting ''permanent Air Force and Space Force military installations'';

(II) by striking ''existing air bases'' and inserting ''existing installations''; and

(III) by inserting ''or the Space Force'' after ''training of the Air Force'';

(ii) in subsections (b) and (c), by striking ''air bases'' each place it appears and inserting ''installations'';

(iii) in subsection (b)(7), by inserting ''or Space Force'' after ''Air Force'';

(iv) in subsection (c)—

(I) in paragraph (1), by inserting ''or Space Force'' after ''Air Force''; and

(II) in paragraphs (3) and (4), by inserting ''or the Space Force'' after ''the Air Force'' both places it appears; and

(v) in subsection (f), by striking ''air base'' and inserting ''installation''.

(B) HEADING.—The heading of such section 9773 is amended to read as follows:

''§ 9773. Acquisition and construction: installations and depots''.

(C) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 979 of such title is amended by striking the item relating to section 9773 and inserting the following new item:

''9773. Acquisition and construction: installations and depots.''.

(18) EMERGENCY CONSTRUCTION: FORTIFICATIONS.—Section 9776 of such title is amended by striking ''air base'' and inserting ''installation''.

(19) USE OF PUBLIC PROPERTY.—Section 9779 of such title is amended—

(A) in subsection (a), by inserting ''or the Space Force'' after ''economy of the Air Force''; and

(B) in subsection (b), by inserting ''or the Space Force'' after ''support of the Air Force''.

(20) DISPOSITION OF REAL PROPERTY AT MISSILE SITES.—Section 9781(a)(2) of such title is amended—

(A) in the matter preceding subparagraph (A), by striking ''Air Force'' and inserting ''Department of the Air Force'';

(B) in subparagraph (A), by striking ''Air Force'' the first two places it appears and inserting ''Department of the Air Force''; and

(C) in subparagraph (C), by striking ''Air Force'' and inserting ''Department of the Air Force''.

(21) MAINTENANCE AND REPAIR OF REAL PROPERTY.—Section 9782 of such title is amended in subsections (c) and (d) by inserting ''or the Space Force'' after ''the Air Force'' both places it appears.

(22) SETTLEMENT OF ACCOUNTS: REMISSION OR CANCELLATION OF INDEBTEDNESS OF MEMBERS.—Section 9837(a) of such title is amended by inserting ''or the Space Force'' after ''member of the Air Force''.

(23) FINAL SETTLEMENT OF OFFICER'S ACCOUNTS.—

(A) IN GENERAL.—Section 9840 of such title is amended by inserting ''or the Space Force'' after ''Air Force''.

(B) TECHNICAL AMENDMENTS.—Such section 9840 is further amended—

(i) by striking ''he'' each place it appears and inserting ''the officer''; and

(ii) by striking ''his'' each place it appears and inserting ''the officer's''.

(24) PAYMENT OF SMALL AMOUNTS TO PUBLIC CREDITORS.—Section 9841 of such title is amended by inserting ''or Space Force'' after ''official of Air Force''.

(25) SETTLEMENT OF ACCOUNTS OF LINE OFFICERS.—Section 9842 of such title is amended by inserting ''or the Space Force'' after ''Air Force''.

(f) SERVICE OF INCUMBENTS IN CERTAIN POSITIONS WITHOUT REAPPOINTMENT.—

(1) IN GENERAL.—The individual serving in a position under a provision of law specified in paragraph (2) as of the date of the enactment of this Act may continue to serve in such position after that date without further appointment as otherwise provided by such provision of law, notwithstanding the amendment of such provision of law by subsection (b).

(2) PROVISIONS OF LAW.—The provisions of law specified in this paragraph are the provisions of title 10, United States Code, as follows:

(A) Section 9020, relating to the Inspector General of the Department of the Air Force.

(B) Section 9036. relating to the Surgeon General of the Air Force.

(C) Section 9037(a), relating to the Judge Advocate General of the Air Force.

(D) Section 9037(d), relating to the Deputy Judge Advocate General of the Air Force.

(E) Section 9039, relating to the Chief of Chaplains for the Air Force and the Space Force.

SEC. 933. AMENDMENTS TO OTHER PROVISIONS OF TITLE 10, UNITED STATES CODE.

(a) DEFINITIONS.—Section 101(b)(13) of title 10, United States Code, is amended in paragraph (13), by striking ''or Marine Corps'' and inserting ''Marine Corps, or Space Force''.

(b) OTHER PROVISIONS OF SUBTITLE A.—

(1) SPACE FORCE I.—Subtitle A of title 10, United States Code, as amended by subsection (a), is further amended by striking ''and Marine Corps'' each place it appears and inserting ''Marine Corps, and Space Force'' in the following provisions:

(A) Section 116(a)(1) in the matter preceding subparagraph (A).

(B) Section 533(a)(2).

(C) Section 646.

(D) Section 661(a).

(E) Section 712(a).

(F) Section 717(c)(1).

(G) Subsections (c) and (d) of section 741.

(H) Section 743.

(I) Section 1111(b)(4).

(J) Subsections (a)(2)(A) and (c)(2)(A)(ii) of section 1143.

(K) Section 1174(j).

(L) Section 1463(a)(1).

(M) Section 1566.

(N) Section 2217(c)(2).

(O) Section 2259(a).

(P) Section 2640(j).

(2) SPACE FORCE II.—

(A) IN GENERAL.—Such subtitle is further amended by striking ''Marine Corps,'' each place it appears and inserting ''Marine Corps, Space Force,'' in the following provisions:

(i) Section 123(a).

(ii) Section 172(a).

(iii) Section 518.

(iv) Section 747.

(v) Section 749.

(vi) Section 1552(c)(1).

(vii) Section 2632(c)(2)(A).

(viii) Section 2686(a).

(ix) Section 2733(a).

(B) HEADING.—The heading of section 747 of such title is amended to read as follows:

''§ 747. Command: when different commands of Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard join''.

(C) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 43 of such title is amended by striking the item relating to section 747 and inserting the following new item:

''747. Command: when different commands of Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard join.''.

(3) SPACE FORCE III.—Such subtitle is further amended by striking ''or Marine Corps'' each place it appears and inserting ''Marine Corps, or Space Force'' in the following provisions:

(A) Section 125(b).

(B) Section 541(a).

(C) Section 601(a).

(D) Section 603(a).

(E) Section 619(a).

(F) Section 619a(a).

(G) Section 624(c).

(H) Section 625(b).

(I) Subsections (a) and (d) of section 631.

(J) Section 632(a).

(K) Section 637(a)(2).

(L) Section 638(a).

(M) Section 741(d).

(N) Section 771.

(O) Section 772.

(P) Section 773.

(Q) Section 1123.

(R) Section 1143(d).

(S) Section 1174(a)(2).

(T) Section 1251(a).

(U) Section 1252(a).

(V) Section 1253(a).

(W) Section 1375.

(X) Section 1413a(h).

(Y) Section 1551.

(Z) Section 1561(a).

(AA) Section 1731(a)(1)(A)(ii).

(BB) Section 2102(a).

(CC) Section 2103a(a)(2).

(DD) Section 2104(b)(5).

(EE) Section 2107.

(FF) Section 2421.

(GG) Section 2631(a).

(HH) Section 2787(a).

(4) REGULAR SPACE FORCE I.—Such subtitle is further amended by striking ''or Regular Marine Corps'' each place it appears and inserting ''Regular Marine Corps, or Regular Space Force'' in the following provisions:

(A) Section 531(c).

(B) Section 532(a) in the matter preceding paragraph (1).

(C) Subsections (a)(1), (b)(1), and (f) of section 533.

(D) Section 633(a).

(E) Section 634(a).

(F) Section 635.

(G) Section 636(a).

(H) Section 647(c).

(I) Section 688(b)(1).

(J) Section 1181.

(5) REGULAR SPACE FORCE II.—Such subtitle is further amended by striking ''Regular Marine Corps,'' each place it appears and inserting ''Regular Marine Corps, Regular Space Force,'' in the following provisions:

(A) Section 505.

(B) Section 506.

(C) Section 508.

(6) TRANSFER, ETC. OF FUNCTIONS, POWERS, AND DUTIES.—Section 125(b) of such title, as amended by paragraph (3)(A), is further amended by striking ''or 9062(c)'' and inserting ''9062(c), or 9081''.

(7) JOINT STAFF MATTERS.—

(A) APPOINTMENT OF CHAIRMAN; GRADE AND RANK.—Section 152 of such title is amended—

(i) in subsection (b)(1)(C), by striking ''or the Commandant of the Marine Corps'' and inserting ''the Commandant of the Marine Corps, or the Chief of Space Operations''; and

(ii) in subsection (c), by striking ''or, in the case of the Navy, admiral'' and inserting '', in the case of the Navy, admiral, or, in the case of an officer of the Space Force, the equivalent grade,''.

(B) INCLUSION OF SPACE FORCE ON JOINT STAFF.—Section 155(a) of such title is amended—

(i) in paragraph (2) by inserting ''the Space Force and'' before ''the Coast Guard'';

(ii) by redesignating paragraph (3) as paragraph (4); and

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

''(3) Officers of the Space Force assigned to serve on the Joint Staff shall be selected by the Chairman in a number that, to the extent practicable, bears the same proportion to the numbers of officers of the armed forces selected under paragraph (2) as the number of Regular members of the Space Force bears to the number of Regular members of the armed forces specified in that paragraph (with the Navy and the Marine Corps treated as a single armed force for purposes of this paragraph).''.

(8) ARMED FORCES POLICY COUNCIL.—Section 171(a) of such title is amended—

(A) in paragraph (15), by striking ''and'';

(B) in paragraph (16), by striking the period and inserting ''; and''; and

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

''(17) the Chief of Space Operations.''.

(9) JOINT REQUIREMENTS OVERSIGHT COUNCIL.—Section 181(c)(1) of such title is amended by adding at the end the following new subparagraph:

''(F) A Space Force officer in the grade equivalent to the grade of general in the Army, Air Force, or Marine Corps, or admiral in the Navy.''.

(10) UNFUNDED PRIORITIES.—Section 222a(b) of such title is amended—

(A) by redesignating paragraph (5) as paragraph (6); and

(B) by inserting after paragraph (4) the following new paragraph:

''(5) The Chief of Space Operations.''.

(11) THEATER SECURITY COOPERATION EXPENSES.—Section 312(b)(3) of such title is amended by inserting ''the Chief of Space Operations,'' after ''the Commandant of the Marine Corps,''.

(12) WESTERN HEMISPHERE INSTITUTE.—Section 343(e)(1)(E) of such title is amended by inserting ''or Space Force'' after ''for the Air Force''.

(13) ORIGINAL APPOINTMENTS OF COMMISSIONED OFFICERS.—Section 531(a) of such title is amended—

(A) in paragraph (1), by striking ''and in the grades of ensign, lieutenant (junior grade), and lieutenant in the Regular Navy'' and inserting ''in the grades of ensign, lieutenant (junior grade), and lieutenant in the Regular Navy, and in the equivalent grades in the Regular Space Force''; and

(B) in paragraph (2), by striking ''and in the grades of lieutenant commander, commander, and captain in the Regular Navy'' and inserting ''in the grades of lieutenant commander, commander, and captain in the Regular Navy, and in the equivalent grades in the Regular Space Force''.

(14) SERVICE CREDIT UPON ORIGINAL APPOINTMENT AS A COMMISSIONED OFFICER.—Section 533(b)(2) of such title is amended by striking ''or captain in the Navy'' and inserting '', captain in the Navy, or an equivalent grade in the Space Force''.

(15) SENIOR JOINT OFFICER POSITIONS: RECOMMENDATIONS TO THE SECRETARY OF DEFENSE.—Section 604(a)(1)(A) of such title is

amended by inserting ''and the name of at least one Space Force officer'' after ''Air Force officer''.

(16) FORCE SHAPING AUTHORITY.—Section 647(a)(2) of such title is amended by striking ''of that armed force''.

(17) MEMBERS: REQUIRED SERVICE.—Section 651(b) of such title is amended by striking ''of his armed force''.

(18) CAREER FLEXIBILITY TO ENHANCE RETENTION OF MEMBERS.—Section 710(c)(1) of such title is amended by striking ''the armed force concerned'' and inserting ''an armed force''.

(19) SENIOR MEMBERS OF MILITARY STAFF COMMITTEE OF UNITED NATIONS.—Section 711 of such title is amended by inserting ''or the Space Force'' after ''Air Force''.

(20) RANK: CHIEF OF SPACE OPERATIONS.—

(A) IN GENERAL.—Section 743 of such title is amended by striking ''and the Commandant of the Marine Corps'' and inserting ''the Commandant of the Marine Corps, and the Chief of Space Operations''.

(B) HEADING.—The heading of such section 743 is amended to read as follows:

''§ 743. Rank: Chief of Staff of the Army; Chief of Naval Operations; Chief of Staff of the Air Force; Commandant of the Marine Corps; Chief of Space Operations''.

(C) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 43 of such title is amended by striking the item relating to section 743 and inserting the following new item:

''743. Rank: Chief of Staff of the Army; Chief of Naval Operations; Chief of Staff of the Air Force; Commandant of the Marine Corps; Chief of Space Operations.''.

(21) UNIFORM CODE OF MILITARY JUSTICE.—Chapter 47 of such title (the Uniform Code of Military Justice) is amended—

(A) in section 822(a)(7) (article 22(a)(7)), by striking ''Marine Corps'' and inserting ''Marine Corps, or the commanding officer of a corresponding unit of the Space Force'';

(B) in section 823(a) (article 23(a))—

(i) in paragraph (2)—

(I) by striking ''Air Force base'' and inserting ''Air Force or Space Force military installation''; and

(II) by striking ''or the Air Force'' and inserting ''the Air Force, or the Space Force''; and

(ii) in paragraph (4), by inserting ''or a corresponding unit of the Space Force'' after ''Air Force''; and

(C) in section 824(a)(3) (article 24(a)(3)), by inserting ''or a corresponding unit of the Space Force'' after ''Air Force''.

(22) SERVICE AS CADET OR MIDSHIPMAN NOT COUNTED FOR LENGTH OF SERVICE.—Section 971(b)(2) of such title is amended by striking ''or Air Force'' and inserting '', Air Force, or Space Force''.

(23) REFERRAL BONUS.—Section 1030(h)(3) of such title is amended by inserting ''and the Space Force'' after ''concerning the Air Force''.

(24) RETURN TO ACTIVE DUTY FROM TEMPORARY DISABILITY.—Section 1211(a) of such title is amended—

(A) in the matter preceding paragraph (1), by striking ''or the Air Force'' and inserting '', the Air Force, or the Space Force''; and

(B) in paragraph (6)—

(i) by striking ''or the Air Force, who'' and inserting ''the Air Force, or the Space Force who''; and

(ii) by striking ''or the Air Force, as'' and inserting ''the Air Force, or the Space Force, as''.

(25) YEARS OF SERVICE.—Section 1405(c) of such title is amended by striking ''or Air Force'' and inserting '', Air Force, or Space Force''.

(26) RETIRED PAY BASE FOR PERSONS WHO BECAME MEMBERS BEFORE SEPTEMBER 8, 1980.—Section 1406 of such title is amended—

(A) in the heading of subsection (e), by inserting ''AND SPACE FORCE'' after ''AIR FORCE''; and

(B) in subsection (i)(3)—

(i) in subparagraph (A)—

(I) by redesignating clause (v) as clause (vi); and

(II) by inserting after clause (iv) the following new clause (v):

''(v) Chief of Space Operations.''; and

(ii) in subparagraph (B)—

(I) by redesignating clause (v) as clause (vi); and

(II) by inserting after clause (iv) the following new clause (v):

''(v) The senior enlisted advisor of the Space Force.''.

(27) SPECIAL REQUIREMENTS FOR MILITARY PERSONNEL IN THE ACQUISITION FIELD.—

(A) IN GENERAL.—Section 1722a(a) of such title is amended by striking ''and the Commandant of the Marine Corps (with respect to the Army, Navy, Air Force, and Marine Corps, respectively)'' and inserting '', the Commandant of the Marine Corps, and the Chief of Space Operations (with respect to the Army, Navy, Air Force, Marine Corps, and Space Force, respectively)''.

(B) CLARIFYING AMENDMENT.—Such section 1722a(a) is further amended by striking ''the Under Secretary of Defense for Acquisition, Technology, and Logistics'' and inserting ''the Under Secretary of Defense for Acquisition and Sustainment''.

(28) SENIOR MILITARY ACQUISITION ADVISORS.—Section 1725(e)(1)(C) of such title is amended by inserting ''and Space Force'' before the period.

(29) MILITARY FAMILY READINESS COUNCIL.—Section 1781a(b)(1) of such title is amended by striking ''Marine Corps, and Air Force'' each place it appears and inserting ''Air Force, Marine Corps, and Space Force''.

(30) FINANCIAL ASSISTANCE PROGRAM FOR SPECIALLY SELECTED MEMBERS.—Section 2107 of such title is amended—

(A) in subsection (a)—

(i) by striking ''or as a'' and inserting '', as a''; and

(ii) by inserting ''or as an officer in the equivalent grade in the Space Force'' after ''Marine Corps,'';

(B) in subsection (b)—

(i) in paragraph (3), by striking ''the reserve component of the armed force in which he is appointed as a cadet or midshipman'' and inserting ''the reserve component of an armed force''; and

(ii) in paragraph (5), by striking ''reserve component of that armed force'' each place it appears and inserting ''reserve component of an armed force''; and

(C) in subsection (d), by striking ''second lieutenant or ensign'' and inserting ''second lieutenant, ensign, or an equivalent grade in the Space Force''.

(31) SPACE RAPID CAPABILITIES OFFICE.—Section 2273a(d) of such title is amended by striking paragraph (3).

(32) ACQUISITION-RELATED FUNCTIONS OF CHIEFS OF THE ARMED FORCES.—Section 2547(a) of such title is amended by striking ''and the Commandant of the Marine Corps'' and inserting ''the Commandant of the Marine Corps, and the Chief of Space Operations''.

(33) AGREEMENTS RELATED TO MILITARY TRAINING, TESTING, AND OPERATIONS.—Section 2684a(i) of such title is amended by inserting ''Space Force,'' before ''or Defense-wide activities'' each place it appears.

(c) PROVISIONS OF SUBTITLE B.—

(1) IN GENERAL.—Subtitle B of title 10, United States Code, is amended by striking ''or Marine Corps'' each place it appears and inserting ''Marine Corps, or Space Force'' in the following provisions:

(A) Section 7452(c).

(B) Section 7621(d).

(2) COMPUTATION OF YEARS OF SERVICE.—Section 7326(a)(1) of such title is amended by striking ''or the Air Force'' and inserting '', the Air Force, or the Space Force''.

(d) PROVISIONS OF SUBTITLE C.—

(1) CADETS; HAZING.—Section 8464(f) of title 10, United States Code, is amended by striking ''or Marine Corps'' and inserting ''Marine Corps, or Space Force''.

(2) SALES PRICES.—

(A) IN GENERAL.—Section 8802 of such title is amended by striking ''or the Air Force'' and inserting '', the Air Force, or the Space Force''.

(B) HEADING.—The heading of such section 8802 is amended to read as follows:

''§ 8802. Sales: members of Army, Air Force, and Space Force; prices''.

(C) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 879 of such title is amended by striking the item relating to section 8802 and inserting the following new item:

''8802. Sales: members of Army, Air Force, and Space Force; prices.''.

(3) SALES TO CERTAIN VETERANS.—Section 8803 of such title is amended by striking ''or the Marine Corps'' and inserting ''the Marine Corps, or the Space Force''.

(4) SUBSISTENCE AND OTHER SUPPLIES.—Section 8806(d) of such title is amended by striking ''or Air Force or Marine Corps'' and inserting '', Air Force, Marine Corps, or Space Force''.

(5) SCOPE OF CHAPTER ON PRIZE.—Section 8851(a) of such title is amended by striking ''or the Air Force'' and inserting '', the Air Force, or the Space Force''.

SEC. 934. AMENDMENTS TO PROVISIONS OF LAW RELATING TO PAY AND ALLOWANCES.

(a) DEFINITIONS.—Section 101 of title 37, United States Code, is amended—

(1) in paragraphs (3) and (4), by inserting ''Space Force,'' after ''Marine Corps,'' each place it appears; and

(2) in paragraph (5)(C), by inserting ''and the Space Force'' after ''Air Force''.

(b) BASIC PAY RATES.—

(1) COMMISSIONED OFFICERS.—Footnote 2 of the table titled ''COMMISSIONED OFFICERS'' in section 601(c) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 37 U.S.C. 1009 note) is amended by inserting after ''Commandant of the Marine Corps,'' the following: ''Chief of Space Operations,''.

(2) ENLISTED MEMBERS.—Footnote 2 of the table titled ''ENLISTED MEMBERS'' in section 601(c) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 37 U.S.C. 1009 note) is amended by inserting after ''Sergeant Major of the Marine Corps,'' the following: ''the senior enlisted advisor of the Space Force,''.

(c) PAY GRADES: ASSIGNMENT TO; GENERAL RULES.—Section 201(a) of title 37, United States Code, is amended—

(1) by striking ''(a) For the purpose'' and inserting ''(a)(1) Subject to paragraph (2), for the purpose''; and

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

''(2) For the purpose of computing their basic pay, commissioned officers of the Space Force are assigned to the pay grades in the table in paragraph (1) by grade or rank in the Air Force that is equivalent to the grade or rank in which such officers are serving in the Space Force.''.

(d) PAY OF SENIOR ENLISTED MEMBERS.—Section 210(c) of title 37, United States Code, is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following new paragraph (5):

''(5) The senior enlisted advisor of the Space Force.''.

(e) ALLOWANCES OTHER THAN TRAVEL AND TRANSPORTATION ALLOWANCES.—

(1) PERSONAL MONEY ALLOWANCE.—Section 414 of title 37, United States Code, is amended—

(A) in subsection (a)(5), by inserting ''Chief of Space Operations,'' after ''Commandant of the Marines Corps,''; and

(B) in subsection (b), by inserting ''the senior enlisted advisor of the Space Force,'' after ''the Sergeant Major of the Marine Corps,''.

(2) CLOTHING ALLOWANCE: ENLISTED MEMBERS.—Section 418(d) of such title is amended—

(A) in paragraph (1), by striking ''or Marine Corps'' and inserting ''Marine Corps, or Space Force''; and

(B) in paragraph (4), by striking ''or the Marine Corps'' and inserting ''the Marine Corps, or the Space Force''.

(f) TRAVEL AND TRANSPORTATION ALLOWANCES: PARKING EXPENSES.—Section 481i(b) of title 37, United States Code, is amended by striking ''or Marine Corps'' and inserting ''Marine Corps, or Space Force''.

(g) LEAVE.—

(1) ADDITION OF SPACE FORCE.—Chapter 9 of title 37, United States Code, is amended by inserting ''Space Force,'' after ''Marines Corps,'' each place it appears in the following provisions:

(A) Subsections (b)(1) and (e)(1) of section 501.

(B) Section 502(a).

(C) Section 503(a).

(2) ADDITION OF REGULAR SPACE FORCE.—Section 501(b)(5)(C) of such title is amended by striking ''or Regular Marine Corps'' and inserting ''Regular Marine Corps, or Regular Space Force''.

(3) TECHNICAL AMENDMENTS.—Chapter 9 of such title is further amended as follows:

(A) In section 501(b)(1)—

(i) by striking ''his'' each place it appears and inserting ''the member's''; and

(ii) by striking ''he'' and inserting ''the member''.

(B) In section 502—

(i) by striking ''his designated representative'' each place it appears and inserting ''the Secretary's designated representative'';

(ii) in subsection (a), by striking ''he'' each place it appears and inserting ''the member''; and

(iii) in subsection (b), by striking ''his'' and inserting ''the member's''.

(h) ALLOTMENT AND ASSIGNMENT OF PAY.—

(1) IN GENERAL.—Subsections (a), (c), and (d) of section 701 of title 37, United States Code, are each amended by striking ''or Marine Corps'' and inserting ''Marine Corps, or Space Force''.

(2) TECHNICAL AMENDMENTS.—Such section 701 is further amended—

(A) in subsection (a), by striking ''his'' and inserting ''the officer's'';

(B) in subsection (b), by striking ''his'' and inserting ''the person's''; and

(C) in subsection (c), by striking ''his pay, and if he does so'' and inserting ''the member's pay, and if the member does so''.

(3) HEADING.—The heading of such section 701 is amended to read as follows:

''§ 701. Members of the Army, Navy, Air Force, Marine Corps, and Space Force; contract surgeons''.

(4) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 13 of such title is amended by striking the item relating to section 701 and inserting the following new item:

''701. Members of the Army, Navy, Air Force, Marine Corps, and Space Force; contract surgeons.''.

(i) FORFEITURE OF PAY.—

(1) FORFEITURE FOR ABSENCE FOR INTEMPERATE USE OF ALCOHOL OR DRUGS.—

(A) IN GENERAL.—Section 802 of title 37, United States Code, is amended by striking ''or Marine Corps'' and inserting ''Marine Corps, or Space Force''.

(B) TECHNICAL AMENDMENTS.—Such section 802 is further amended by striking ''his'' each place it appears and inserting ''the member's''.

(2) FORFEITURE WHEN DROPPED FROM ROLLS.—

(A) IN GENERAL.—Section 803 of such title is amended by striking ''or the Air Force'' and inserting '', the Air Force, or the Space Force''.

(B) HEADING.—The heading of such section 803 is amended to read as follows:

''§ 803. Commissioned officers of the Army, Air Force, or Space Force: forfeiture of pay when dropped from rolls''.

(C) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 15 of such title is amended by striking the item relating to section 803 and inserting the following new item:

''803. Commissioned officers of the Army, Air Force, or Space Force: forfeiture of pay when dropped from rolls.''.

(j) EFFECT ON PAY OF EXTENSION OF ENLISTMENT.—Section 906 of title 37, United States Code, is amended by inserting ''Space Force,'' after ''Marine Corps,''.

(k) ADMINISTRATION OF PAY.—

(1) PROMPT PAYMENT REQUIRED.—

(A) IN GENERAL.—Section 1005 of title 37, United States Code, is amended by striking ''and of the Air Force'' and inserting '', the Air Force, and the Space Force''.

(B) HEADING.—The heading of such section 1005 is amended to read as follows:

''§ 1005. Army, Air Force, and Space Force: prompt payments required''.

(C) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 15 of such title is amended by striking the item relating to section 803 and inserting the following new item:

''1005. Army, Air Force, and Space Force: prompt payments required.''.

(2) DEDUCTIONS FROM PAY.—

(A) IN GENERAL.—Section 1007 of such title is amended—

(i) in subsections (b), (d), (f), and (g), by striking ''or the Air Force'' and inserting '', the Air Force, or the Space Force''; and

(ii) in subsection (e), by striking ''or Marine Corps'' and inserting ''Marine Corps, or Space Force''.

(B) TECHNICAL AMENDMENTS.—Such section 1007 is further amended—

(i) in subsection (b), by striking ''him'' and inserting ''the member'';

(ii) in subsection (d), by striking ''his'' each place it appears and inserting ''the member's''; and

(iii) in subsection (f)—

(I) by striking ''his'' and inserting ''the officer's''; and

(II) by striking ''he'' both places it appears and inserting ''the officer''.

SEC. 935. AMENDMENTS RELATING TO PROVISIONS OF LAW ON VETERANS' BENEFITS.

(a) ADDITION OF SPACE SERVICE TO REFERENCES TO MILITARY, NAVAL, OR AIR SERVICE.—Title 38, United States Code, is amended by striking ''or air service'' and inserting ''air, or space service'' each place it appears in the following provisions:

(1) Paragraphs (2), (5), (12), (16), (17), (18), (24), and (32) of section 101.

(2) Section 105(a).

(3) Section 106(b).

(4) Section 701.

(5) Paragraphs (1) and (2)(A) of section 1101.

(6) Section 1103.

(7) Section 1110.

(8) Subsections (b)(1) and (c)(1) of section 1112.

(9) Section 1113(b).

(10) Section 1131.

(11) Section 1132.

(12) Section 1133.

(13) Section 1137.

(14) Section 1141.

(15) Section 1153.

(16) Section 1301.

(17) Subsections (a) and (b) of section 1302.

(18) Section 1310(b).

(19) Section 1521(j).

(20) Section 1541(h).

(21) Subsections (a)(2)(B) and (e)(3) of section 1710.

(22) Section 1712(a).

(23) Section 1712A(c).

(24) Section 1717(d)(1).

(25) Subsections (b) and (c) of section 1720A.

(26) Section 1720D(c)(3).

(27) Section 1720E(a).

(28) Section 1720G(a)(2)(B).

(29) Subsections (b)(2), (e)(1), and (e)(4) of section 1720I.

(30) Section 1781(a)(3).

(31) Section 1783(b)(1).

(32) Section 1922(a).

(33) Section 2002(b)(1).

(34) Section 2101A(a)(1).

(35) Subsections (a)(1)(C) and (d) of section 2301.

(36) Section 2302(a).

(37) Section 2303(b)(2).

(38) Subsections (b)(4)(A) and (g)(2) of section 2306.

(39) Section 2402(a)(1).

(40) Section 3018B(a).

(41) Section 3102(a)(1)(A)(ii).

(42) Subsections (a) and (b)(2)(A) of section 3103.

(43) Section 3113(a).

(44) Section 3501(a).

(45) Section 3512(b)(1)(B)(iii).

(46) Section 3679(c)(2)(A).

(47) Section 3701(b)(2).

(48) Section 3712(e)(2).

(49) Section 3729(c)(1).

(50) Subparagraphs (A) and (B) of section 3901(1).

(51) Subsections (c)(1)(A) and (d)(2)(B) of section 5103A.

(52) Section 5110(j).

(53) Section 5111(a)(2)(A).

(54) Section 5113(b)(3)(C).

(55) Section 5303(e).

(56) Section 6104(c).

(57) Section 6105(a).

(58) Subsections (a)(1) and (b)(3) of section 6301.

(59) Section 6303(b).

(60) Section 6304(b)(1).

(61) Section 8301.

(b) DEFINITIONS.—

(1) ARMED FORCES.—Paragraph (10) of section 101 of title 38, United States Code, is amended by inserting ''Space Force,'' after ''Air Force,''.

(2) SECRETARY CONCERNED.—Paragraph (25)(C) of such section is amended by inserting ''or the Space Force'' before the semicolon.

(3) SPACE FORCE RESERVE.—Paragraph (27) of such section is amended—

(A) by redesignating subparagraphs (E) through (G) as subparagraphs (F) through (H), respectively; and

(B) by inserting after subparagraph (D) the following new subparagraph (E):

''(E) the Space Force Reserve;''.

(c) PLACEMENT OF EMPLOYEES IN MILITARY INSTALLATIONS.—Section 701 of title 38, United States Code, is amended by striking ''and Air Force'' and inserting ''Air Force, and Space Force''.

(d) CONSIDERATION TO BE ACCORDED TIME, PLACE, AND CIRCUMSTANCES OF SERVICE.—Section 1154(b) of title 38, United States Code, is amended by striking ''or air organization'' and inserting ''air, or space organization''.

(e) PREMIUM PAYMENTS.—Section 1908 of title 38, United States Code, is amended by inserting ''Space Force,'' after ''Marine Corps,''.

(f) SECRETARY CONCERNED FOR GI BILL.—Section 3020(l)(3) of title 38, United States Code, is amended by inserting ''or the Space Force'' before the semicolon.

(g) DEFINITIONS FOR POST-9/11 GI BILL.—Section 3301(2)(C) of title 38,United States Code, is amended by inserting ''or the Space Force'' after ''Air Force''.

(h) PROVISION OF CREDIT PROTECTION AND OTHER SERVICES.—Section 5724(c)(2) of title 38, United States Code, is amended by striking ''or Marine Corps'' and inserting ''Marine Corps, or Space Force''.

SEC. 936. AMENDMENTS TO OTHER PROVISIONS OF THE UNITED STATES CODE.

(a) TITLE 5; DEFINITION OF ARMED FORCES.—Section 2101(2) of title 5, United States Code, is amended by inserting after ''Marine Corps,'' the following: ''Space Force,''.

(b) TITLE 14.—

(1) VOLUNTARY RETIREMENT.—Section 2152 of title 14, United States Code, is amended by striking ''or Marine Corps'' and inserting ''Marine Corps, or Space Force''.

(2) COMPUTATION OF LENGTH OF SERVICE.—Section 2513 of such title is amended by inserting after ''Air Force,'' the following: ''Space Force,''.

(c) TITLE 18; FIREARMS AS NONMAILABLE.—Section 1715 of such title is amended by inserting ''Space Force,'' after ''Marine Corps,''.

(d) TITLE 31.—

(1) DEFINITIONS RELATING TO CLAIMS.—Section 3701(a)(7) of title 31, United States Code, is amended by inserting ''Space Force,'' after ''Marine Corps,''.

(2) COLLECTION AND COMPROMISE.—Section 3711(f) of such title is amended in paragraphs (1) and (3) by inserting ''Space Force,'' after ''Marine Corps,'' each place it appears.

(e) TITLE 41; HONORABLE DISCHARGE CERTIFICATE IN LIEU OF BIRTH CERTIFICATE.—Section 6309(a) of title 41, United States Code, is amended by inserting ''Space Force,'' after ''Marine Corps,''.

(f) TITLE 51; POWERS OF THE ADMINISTRATION IN PERFORMANCE OF FUNCTIONS.—Section 20113(l) of title 51, United States Code, is amended—

(1) in the subsection heading, by striking ''SERVICES'' and inserting ''FORCES''; and

(2) by striking ''and Marine Corps'' and inserting ''Marine Corps, and Space Force''.

SEC. 937. APPLICABILITY TO OTHER PROVISIONS OF LAW.

(a) SECRETARY OF DEFENSE AUTHORITY.—The authority of the Secretary of Defense with respect to the Air Force or members of the Air Force under any covered provision of law may be exercised by the Secretary with respect to the Space Force or members of the Space Force.

(b) SECRETARY OF THE AIR FORCE AUTHORITY.—The authority of the Secretary of the Air Force with respect to the Air Force or members of the Air Force under any covered provision of law may be exercised with respect to the Space Force or members of the Space Force.

(c) BENEFITS FOR MEMBERS.—A member of the Space Force shall be eligible for any benefit under a covered provision of law that is available to a member of the Air Force under the same terms and conditions as the provision of law applies to members of the Air Force.

(d) COVERED PROVISION OF LAW DEFINED.—In this section, the term ''covered provision of law'' means a provision of law other than a provision of title 5, 10, 14, 18, 31, 37, 38, 41, or 51, United States Code.

PART II—OTHER MATTERS

SEC. 941. MATTERS RELATING TO RESERVE COMPONENTS FOR THE SPACE FORCE.

(a) LIMITATION ON ESTABLISHMENT OF SPACE NATIONAL GUARD.—

(1) IN GENERAL.—The Space National Guard may not be established as a reserve component of the Space Force until the Secretary of Defense certifies in writing, to the congressional defense committees that a Space National Guard is the organization best suited to discharge in an effective and efficient manner the missions intended to be assigned to the Space National Guard.

(2) BASIS FOR CERTIFICATION.—The certification must be based on the results of a study conducted for purposes of this subsection by the Assistant Secretary of the Air Force for Manpower and Reserve Affairs.

(3) PROPOSED MISSIONS.—The certification shall include a description of each mission proposed to be assigned to the Space National Guard in connection with the certification.

(b) SPACE FORCE RESERVE.—

(1) INCLUSION WITHIN SPACE FORCE.—Section 9081(b)(2) of title 10, United States Code, is amended by inserting '', including the Regular Space Force and the Space Force Reserve,'' after ''space forces''.

(2) NAMED RESERVE COMPONENT.—Section 10101 of title 10, United States Code, is amended—

(A) by redesignating paragraph (7) as paragraph (8); and

(B) by inserting after paragraph (6) the following new paragraph (7):

''(7) The Space Force Reserve.''.

(3) COMPOSITION.—

(A) IN GENERAL.—Chapter 1003 of such title is amended—

(i) by redesignating section 10114 as section 10115; and

(ii) by inserting after section 10113 the following new section 10114:

''§ 10114. Space Force Reserve: composition

''The Space Force Reserve is a reserve component of the Space Force to provide a reserve for active duty. It consists of the members of the officers' section of the Space Force Reserve and of the enlisted section of the Space Force Reserve.''.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1003 of such title is amended by striking the item relating to section 10114 and inserting the following new items:

''10114. Space Force Reserve: composition.
''10115. Coast Guard Reserve.''.

(4) SPACE FORCE RESERVE COMMAND.—

(A) IN GENERAL.—Chapter 1006 of such title is amended by adding at the end the following new section:

''§ 10175. Space Force Reserve Command

''(a) ESTABLISHMENT OF COMMAND.—The Secretary of the Air Force, with the advice and assistance of the Chief of Space Operations, shall establish a Space Force Reserve Command. The Space Force Reserve Command shall be operated as a separate command of the Space Force.

''(b) COMMANDER.—The Chief of Space Force Reserve is the Commander of the Space Force Reserve Command. The commander of the Space Force Reserve Command reports directly to the Chief of Space Operations.

''(c) ASSIGNMENT OF FORCES.—The Secretary of the Air Force—

''(1) shall assign to the Space Force Reserve Command all forces of the Space Force Reserve stationed in the continental United States other than forces assigned to the unified combatant command for special operations forces established pursuant to section 167 of this title; and

''(2) except as otherwise directed by the Secretary of Defense in the case of forces assigned to carry out functions of the Secretary of the Air Force specified in section 9013 of this title, shall assign to the combatant commands all such forces assigned to the Space Force Reserve Command under paragraph (1) in the manner specified by the Secretary of Defense.''.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1006 of such title is amended by adding at the end the following new item:

''10175. Space Force Reserve Command.''.

(c) MILITARY PERSONNEL MANAGEMENT.—Any authority in title 10, United States Code, may be applied to a member of the Space Force Reserve in the same manner as such authority is applied to a similarly situated member of the Air Force Reserve. In the application of such authority to a member of the Space Force Reserve, any reference to a grade of a member of in the Air Force or Air Force Reserve shall be deemed to refer to the equivalent grade in the Space Force or Space Force Reserve.

(d) REPORT ON INTEGRATION OF SPACE FORCE RESERVE INTO LAW.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House or Representatives a report setting forth the amendments to title 10, United States Code, and any other laws, necessary to fully integrate the Space Force Reserve into statutory authorities on the personnel, activities, missions, and management of the Space Force.

SEC. 942. TRANSFERS OF MILITARY AND CIVILIAN PERSONNEL TO THE SPACE FORCE.

(a) PROHIBITION ON INVOLUNTARY TRANSFER.—A member of the Armed Forces or civilian employee of the Department of Defense may not be transferred to the military or civilian part of the Space Force, as the case may be, without the consent of such member or employee.

(b) STATUS WITHIN SPACE FORCE UPON TRANSFER.—Any member of the Armed Forces or civilian employee of the Department of Defense who is transferred to the Space Force shall, after transfer, have the status of member or civilian employee, as the case may be, of the Space Force.

(c) DETAIL OR ASSIGNMENT OF MEMBERS.—

(1) PERMANENT NATURE OF DETAIL OR ASSIGNMENT.—The detail or assignment of any member of the Armed Forces to the Space Force on or after the date of the enactment of this Act shall be permanent, and shall be treated as a transfer to which subsection (b) applies.

(2) ACKNOWLEDGMENT OF NATURE.—Any member undergoing a detail or assignment described in paragraph (1) shall execute a written acknowledgment, before undergoing such detail or assignment, of the permanent nature of the detail or assignment by reason of paragraph (1).

SEC. 943. LIMITATION ON TRANSFER OF MILITARY INSTALLATIONS TO THE JURISDICTION OF THE SPACE FORCE.

(a) LIMITATION.—A military installation (whether or not under the jurisdiction of the Department of the Air Force) may not be transferred to the jurisdiction or command of the Space Force until the Secretary of the Air Force briefs the congressional defense

committees on the results of a business case analysis, conducted by the Secretary in connection with the transfer, of the cost and efficacy of the transfer.

(b) TIMING OF BRIEFING.—The briefing on a business case analysis conducted pursuant to subsection (a) shall be provided not later than 15 days after the date of the completion of the business case analysis by the Secretary.

Subtitle D—Organization and Management of Other Department of Defense Offices and Elements

SEC. 951. ANNUAL REPORT ON ESTABLISHMENT OF FIELD OPERATING AGENCIES.

(a) IN GENERAL.—Subchapter I of chapter 134 of title 10, United States Code, is amended by inserting after section 2245 the following new section:

"§ 2246. Establishment of field operating agencies: annual report

''(a) ANNUAL REPORT REQUIRED.—Not later than January 31 each year, the Secretary of Defense shall submit to the congressional defense committees a report on each, if any, field operating agency established during the preceding year.

''(b) ELEMENTS.—Each report under subsection (a) shall include, for each field operating agency covered by such report, the following:

''(1) The name of such agency.

''(2) The physical location of such agency.

''(3) The title and grade (whether military or civilian) of the head of such agency.

''(4) The chain of command, supervision, or authority through which the head of such agency reports to the Office of the Secretary of Defense or the military department or Armed Forces headquarters, as applicable.

''(5) The mission of such agency.

''(6) The number of personnel authorized to be assigned to such agency, and the number of such authorizations encumbered by military personnel and civilian employees of the Department of Defense or military department, as applicable.

''(7) The purpose underlying the establishment of such agency.

''(8) Any cost savings or other efficiencies that have accrued, or are anticipated to accrue, to the Department of Defense or any of its components in connection with the establishment and operation of such agency.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 134 of such title is amended by inserting after the item relating to section 2245 the following new item:

''2246. Establishment of field operating agencies: annual report.''.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. GENERAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2021 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. APPLICATION OF FINANCIAL IMPROVEMENT AND AUDIT REMEDIATION PLAN TO FISCAL YEARS FOLLOWING FISCAL YEAR 2020.

Section 240b(a)(2)(A)(iii) of title 10, United States Code, is amended by striking ''for fiscal year 2018'' and all that follows and inserting ''for each fiscal year after fiscal year 2020 occurs by not later than March 31 following such fiscal year;''.

Subtitle B—Counterdrug Activities

SEC. 1011. CODIFICATION OF AUTHORITY FOR JOINT TASK FORCES OF THE DEPARTMENT OF DEFENSE TO SUPPORT LAW ENFORCEMENT AGENCIES CONDUCTING COUNTERTERRORISM OR COUNTER-TRANSNATIONAL ORGANIZED CRIME ACTIVITIES.

(a) CODIFICATION OF SECTION 1022 OF FY 2004 NDAA.—Chapter 15 of title 10, United States Code, is amended by adding at the end a new section 285 consisting of—

(1) a heading as follows:

"§ 285. Authority for joint task forces to support law enforcement agencies conducting counterterrorism or counter-transnational organized crime activities"; and

(2) a text consisting of the text of section 1022 of the National Defense Authorization Act for Fiscal Year 2004 (10 U.S.C. 271 note).

(b) CONFORMING AMENDMENTS IN CONNECTION WITH CODIFICATION.—Section 285 of title 10, United States Code, as added by subsection (a), is amended—

(1) in subsection (b), by striking ''During fiscal years 2006 through 2022, funds for drug interdiction'' and inserting ''Funds for drug interdiction'';

(2) in subsection (c), by striking ''of each year in which the authority in subsection (a) is in effect'' and inserting ''each year'';

(3) in subsection (d)—

(A) in paragraph (1), by striking the paragraph designation and all that follows through ''Support'' in paragraph (2)(A) and inserting ''(1) Support'';

(B) by redesignating subparagraph (B) as paragraph (2); and

(C) in paragraph (2), as so redesignated, by striking ''subparagraph (A)'' and inserting ''paragraph (1)''; and

(4) in subsection (e)—

(A) in paragraph (1), by striking ''of title 10, United States Code'' and inserting ''of this title''; and

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

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 15 of such title is amended by adding at the end the following new item:

''285. Authority for joint task forces to support law enforcement agencies conducting counterterrorism or counter-transnational organized crime activities.''.

(d) CONFORMING REPEAL.—Section 1022 of the National Defense Authorization Act for Fiscal Year 2004 is repealed.

Subtitle C—Naval Vessels and Shipyards

SEC. 1021. MODIFICATION OF AUTHORITY TO PURCHASE USED VESSELS WITH FUNDS IN THE NATIONAL DEFENSE SEALIFT FUND.

Section 2218(f)(3) of title 10, United States Code, is amended—

(1) by striking subparagraphs (E) and (G); and

(2) by redesignating subparagraph (F) as subparagraph (E).

SEC. 1022. WAIVER DURING WAR OR THREAT TO NATIONAL SECURITY OF RESTRICTIONS ON OVERHAUL, REPAIR, OR MAINTENANCE OF VESSELS IN FOREIGN SHIPYARDS.

Section 8680 of title 10, United States Code, is amended—

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

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

''(c) WAIVER.—(1) The Secretary of the Navy may waive the restrictions in subsections (a) and (b) for the duration of a period of threat to the national security interests of the United States upon a written determination by the Secretary that such a waiver is necessary in the national security interest of the United States.

''(2) Not later than 15 days after making a determination under paragraph (1), the Secretary shall provide to the congressional defense committees a written notification on the determination.

''(3) In this subsection, the term 'period of threat to the national security interests of the United States' means the following:

''(A) A period of war.

''(B) Any other period determined by Secretary of Defense in which the national security interests of the United States are threatened by the application, or the imminent danger of application, of physical force by any foreign government or agency against the United States, citizens of the United States, the property of citizens of the United States, or the commercial interests of citizens of the United States.''.

SEC. 1023. MODIFICATION OF WAIVER AUTHORITY ON PROHIBITION ON USE OF FUNDS FOR RETIREMENT OF CERTAIN LEGACY MARITIME MINE COUNTERMEASURE PLATFORMS.

(a) IN GENERAL.—Section 1046(b)(1) of the National Defense Authorization Act for Fiscal Year 2018 (Public law 115–91; 131 Stat. 1556) is amended by striking ''certifies'' and inserting '', with the concurrence of the Director of Operational Test and Evaluation, certifies in writing''.

(b) 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 waivers under subsection (b)(1) of section 1046 of the National Defense Authorization Act for Fiscal Year 2018 of the prohibition under subsection (a) of that section that occur on or after that date.

SEC. 1024. EXTENSION OF AUTHORITY FOR REIMBURSEMENT OF EXPENSES FOR CERTAIN NAVY MESS OPERATIONS AFLOAT.

Section 1014(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4585), as most recently amended by section 1023(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 966), is further amended by striking ''September 30, 2020'' and inserting ''September 30, 2025''.

SEC. 1025. SENSE OF CONGRESS ON ACTIONS NECESSARY TO ACHIEVE A 355-SHIP NAVY.

It is the sense of Congress that to achieve the national policy of the United States to have available, as soon as practicable, not fewer than 355 battle force ships—

(1) the Navy must be adequately resourced to increase the size of the Navy in accordance with the national policy, which includes the associated ships, aircraft, personnel, sustainment, and munitions;

(2) across fiscal years 2021 through 2025, the Navy should start construction on not fewer than—

(A) 12 Arleigh Burke-class destroyers;

(B) 10 Virginia-class submarines;

(C) 2 Columbia-class submarines;

(D) 3 San Antonio-class amphibious ships;

(E) 1 LHA-class amphibious ship;

(F) 6 John Lewis-class fleet oilers; and

(G) 5 guided missile frigates;

(3) new guided missile frigate construction should increase to a rate of between two and four ships per year once design maturity and construction readiness permit;

(4) the Columbia-class submarine program should be funded with additions to the Navy budget significantly above the historical average, given the critical single national mission that these vessels will perform and the high priority of the shipbuilding budget for implementing the National Defense Strategy;

(5) stable shipbuilding rates of construction should be maintained for each vessel class, utilizing multi-year or block buy contract authorities when appropriate, until a deliberate transition plan is identified; and

(6) prototyping of potential new shipboard subsystems should be accelerated to build knowledge systematically, and, to the maximum extent practicable, shipbuilding prototyping should occur at the subsystem-level in advance of ship design.

Subtitle D—Counterterrorism

SEC. 1031. EXTENSION OF PROHIBITION ON USE OF FUNDS FOR TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO THE UNITED STATES.

Section 1033 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1953), as amended by section 1043 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), is further amended by striking ''December 31, 2020'' and inserting ''December 31, 2021''.

SEC. 1032. EXTENSION OF PROHIBITION ON USE OF FUNDS TO CLOSE OR RELINQUISH CONTROL OF UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

Section 1036 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1551), as most recently amended by section 1045 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), is further amended by striking ''fiscal year 2018, 2019, or 2020'' and inserting ''fiscal years 2018 through 2021''.

SEC. 1033. EXTENSION OF PROHIBITION ON USE OF FUNDS FOR TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO CERTAIN COUNTRIES.

Section 1035 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1954), as amended by section 1042 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), is further amended by striking ''December 31, 2020'' and inserting ''December 31, 2021''.

SEC. 1034. EXTENSION OF PROHIBITION ON USE OF FUNDS TO CONSTRUCT OR MODIFY FACILITIES IN THE UNITED STATES TO HOUSE DETAINEES TRANSFERRED FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

Section 1034(a) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1954), as amended by section 1044 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), is further amended by striking ''December 31, 2020'' and inserting ''December 31, 2021''.

Subtitle E—Miscellaneous Authorities and Limitations

SEC. 1041. INCLUSION OF DISASTER-RELATED EMERGENCY PREPAREDNESS ACTIVITIES AMONG LAW ENFORCEMENT ACTIVITIES AUTHORITIES FOR SALE OR DONATION OF EXCESS PERSONAL PROPERTY OF THE DEPARTMENT OF DEFENSE.

(a) INCLUSION.—Subsection (a)(1)(A) of section 2576a of title 10, United States Code, is amended by inserting ''disaster-related emergency preparedness,'' after ''counterterrorism,''.

(b) PREFERENCE IN TRANSFERS.—Subsection (d) of such section is amended to read as follows:

''(d) PREFERENCE FOR CERTAIN TRANSFERS.—In considering applications for the transfer of personal property under this section, the Secretary shall give a preference to applications indicating that the transferred property will be used in the counterdrug, counterterrorism, disaster-related emergency preparedness, or border security activities of the recipient agency. Applications that request vehicles used for disaster-related emergency preparedness, such as high-water rescue vehicles, should receive the highest preference.''.

SEC. 1042. EXPENDITURE OF FUNDS FOR DEPARTMENT OF DEFENSE CLANDESTINE ACTIVITIES THAT SUPPORT OPERATIONAL PREPARATION OF THE ENVIRONMENT.

(a) AUTHORITY.—Subject to subsections (b) through (d), the Secretary of Defense may expend up to $15,000,000 in any fiscal year for clandestine activities for any purpose the Secretary determines to be proper for preparation of the environment for operations of a confidential nature. Such a determination is final and conclusive upon the accounting officers of the United States. The Secretary may certify the amount of any such expenditure authorized by the Secretary that the Secretary considers advisable not to specify, and the Secretary's certificate is sufficient voucher for the expenditure of that amount.

(b) FUNDS.—Funds for expenditures under this section in a fiscal year shall be derived from amounts authorized to be appropriated for that fiscal year for operation and maintenance, Defense-wide.

(c) LIMITATION ON DELEGATION.—The Secretary of Defense may not delegate the authority under this section with respect to any expenditure in excess of $100,000.

(d) EXCLUSION OF INTELLIGENCE ACTIVITIES.—

(1) IN GENERAL.—This section does not constitute authority to conduct, or expend funds for, intelligence, counterintelligence, or intelligence-related activities.

(2) DEFINITIONS.—In this subsection, the terms ''intelligence'' and ''counterintelligence'' have the meaning given those terms in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(e) ANNUAL REPORT.—Not later than December 31 each year, the Secretary of Defense shall submit to the congressional defense committees a report on expenditures made under this section during the fiscal year preceding the year in which the report is submitted. Each report shall include, for each expenditure under this section during the fiscal year covered by such report—

(1) the amount and date of such expenditure;

(2) a detailed description of the purpose for which such expenditure was made;

(3) an explanation why other authorities available to the Department of Defense could not be used for such expenditure; and

(4) any other matters the Secretary considers appropriate.

SEC. 1043. 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 specified 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 proceeding;

''(B) disturbs the proceeding by any riot or disorder; 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 punishment was an abuse of the discretion of the judicial officer 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 provisions of this chapter applicable to military commissions, except that the Secretary of

Defense may prescribe procedures for contempt proceedings and punishments, pursuant to the authority provided in section 949a of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter IV of such chapter is amended by adding at the end the following 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. 1044. PROHIBITION ON ACTIONS TO INFRINGE UPON FIRST AMENDMENT RIGHTS OF PEACEABLE ASSEMBLY AND PETITION FOR REDRESS OF GRIEVANCES.

Amounts authorized to be appropriated by this Act shall not be used for any program, project, or activity, or any use of personnel, to conduct actions against United States citizens that infringe upon their rights under the First Amendment to the Constitution peaceably to assemble and/or to petition the Government for a redress of grievances.

SEC. 1045. ARCTIC PLANNING, RESEARCH, AND DEVELOPMENT.

(a) ARCTIC PLANNING AND IMPLEMENTATION.—

(1) IN GENERAL.—The Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall begin planning and implementing such changes as may be necessary for requirements, training, equipment, doctrine, and capability development of the Armed Forces should an expanded role of the Armed Forces in the Arctic be determined by the Secretary to be in the national security interests of the United States.

(2) TRAINING.—In carrying out paragraph (1), the Secretary shall direct the Armed Forces to carry out training in the Arctic or training relevant to carrying out military operations in the Arctic.

(b) ARCTIC RESEARCH AND DEVELOPMENT PROGRAM.—

(1) IN GENERAL.—If pursuant to subsection (a), the Secretary of Defense determines that an expanded role for the Armed Forces is in the national security interests of the United States, the Secretary shall establish a research and development program on the current and future requirements and needs of the Armed Forces for operations in the Arctic.

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

(A) Development of materiel solutions for operating in extreme weather environments of the Arctic, including equipment for individual members of the Armed Forces, ground vehicles, and communications systems.

(B) Development of a plan for fielding future weapons platforms able to operate in Arctic conditions for surface combatants, submarines, aviation platforms, assault craft unit connectors, auxiliaries, littoral craft, unmanned aerial vehicles, and any other systems that may be needed in the Arctic.

(C) Development of capabilities to monitor, assess, and predict environmental and weather conditions in the Arctic and their effect on military operations.

(D) Determining requirements for logistics and sustainment of the Armed Forces operating in the Arctic.

SEC. 1046. CONSIDERATION OF SECURITY RISKS IN CERTAIN TELECOMMUNICATIONS ARCHITECTURE FOR FUTURE OVERSEAS BASING DECISIONS OF THE DEPARTMENT OF DEFENSE.

The Secretary of Defense shall take into account the security risks of 5G and 6G telecommunications network architecture, including the use of telecommunications equipment provided by at-risk vendors such as Huawei Technologies Company, Ltd., and the Zhongxing Telecommunications Equipment Corporation (ZTE), in all future overseas stationing decisions of the Department of Defense, including—

(1) security risks from threats to operational and information security of United States military personnel and equipment; and

(2) the sufficiency of potential mitigation by the Department and the host nation concerned of such security risks, including through cost-sharing agreements related to such mitigation.

SEC. 1047. FOREIGN MILITARY TRAINING PROGRAMS.

(a) SHORT TITLE.—This section may be cited as the ''Secure United States Bases Act''.

(b) DEFINITIONS.—In this section:

(1) APPROPRIATE DEFENSE COMMITTEES.—The term ''appropriate defense committees'' means—

(A) the Committee on Armed Services of the Senate; and

(B) the Committee on Armed Services of the House of Representatives.

(2) COVERED INDIVIDUALS.—The term ''covered individuals'' means any foreign national (except foreign nationals of Australia, Canada, New Zealand, and the United Kingdom who have been granted a security clearance that is reciprocally accepted by the United States for access to classified information) who—

(A) is seeking physical access to a Department of Defense installation or facility within the United States; and

(B)(i) is selected, nominated, or accepted for training or education for a period of more than 30 days occurring on a Department of Defense installation or facility within the United States; or

(ii) is an immediate family member accompanying any foreign national who has been selected, nominated, or accepted for such training or education.

(3) IMMEDIATE FAMILY MEMBER.—The term ''immediate family member'' means—

(A) spouse;

(B) parents and stepparents;

(C) siblings, stepsiblings, and half-siblings; and

(D) children and stepchildren.

(4) UNITED STATES.—The term ''United States'' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, and Guam.

(c) ESTABLISHMENT OF VETTING PROCEDURES; MONITORING REQUIREMENTS FOR CERTAIN MILITARY TRAINING.—

(1) ESTABLISHMENT OF VETTING PROCEDURES.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall establish procedures to vet covered individuals for eligibility for physical access to Department of Defense installations and facilities within the United States, including—

(i) biographic and biometric screening of covered individuals;

(ii) continuous review of whether covered individuals should continue to be authorized such physical access;

(iii) biographic checks of the covered individual's immediate family members; and

(iv) any other measures that the Secretary of Defense determines appropriate for vetting.

(B) INFORMATION REQUIRED.—The Secretary of Defense shall identify the information required to conduct the vetting.

(C) COLLECTION OF INFORMATION.—The Secretary of Defense shall—

(i) collect information to vet individuals under the procedures established under this subsection; and

(ii) as required for the effective implementation of this section, shall seek to enter into agreements with the relevant Federal departments and agencies to facilitate the sharing of information in the possession of such departments and agencies concerning the covered individuals.

(2) DETERMINATION AUTHORITY.—

(A) REVIEW.—The results of vetting—

(i) will be reviewed within the Department of Defense by an organization with an assigned security and counterintelligence mission; and

(ii) will be the basis for that organization's recommendation regarding whether physical access should be authorized by the appropriate authority.

(B) EFFECT OF DENIAL.—If the organization recommends that a covered individual not be authorized physical access to Department of Defense installations and facilities within the United States, such physical access may only be authorized for such covered individual by the Secretary of Defense or the Deputy Secretary of Defense.

(C) NOTIFICATION.—The Secretary of State shall be notified of any covered individuals who are not authorized physical access based on the results of the vetting under this subsection.

(3) ADDITIONAL SECURITY MEASURES.—Beginning on the date that is 181 days after the date of the enactment of this Act, the Secretary of Defense shall—

(A) ensure that all Department of Defense Common Access Cards issued to foreign nationals in the United States—

(i) comply with the credentialing standards issued by the Office of Personnel Management; and

(ii) include a visual indicator, as required by the standard developed by the National Institute of Standards and Technology;

(B) ensure that physical access by covered individuals is limited, as appropriate, to Department of Defense installations or facilities within the United States that are directly associated with their training or education or necessary to access authorized benefits;

(C) establish a policy regarding the possession of firearms on Department of Defense property by covered individuals; and

(D) ensure that covered individuals who have been granted physical access are incorporated into the Department of Defense Insider Threat Program.

(4) NOTIFICATION.—The Secretary of Defense shall notify the appropriate congressional committees of the establishment of the procedures required under paragraph (1).

(d) REPORTING REQUIREMENTS.—

(1) BRIEFING.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall provide a briefing to the appropriate congressional committees regarding the establishment of any Department of Defense policy or guidance related to the implementation of this section.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Defense shall submit a report to the appropriate congressional committees regarding the impact and effects of this section, including—

(A) any positive or negative impacts on the training of foreign military students;

(B) the effectiveness of the vetting procedures implemented in preventing harm to United States military personnel or communities;

(C) how any of the negative impacts have been mitigated; and

(D) a proposed plan to mitigate any ongoing negative impacts to the vetting and training of foreign military students by the Department of Defense.

SEC. 1048. REPORTING OF ADVERSE EVENTS RELATING TO CONSUMER PRODUCTS ON MILITARY INSTALLATIONS.

(a) IN GENERAL.—The Secretary of Defense shall ensure that any adverse event related to a consumer product that occurs on a military installation is reported on the internet website saferproducts.gov.

(b) DEFINITIONS.—In this section:

(1) ADVERSE EVENT.—The term ''adverse event'' means—

(A) any event that indicates that a consumer product—

(i) fails to comply with an applicable consumer product safety rule or with a voluntary consumer product safety standard upon which the Consumer Product Safety Commission has relied under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058);

(ii) fails to comply with any other rule, regulation, standard, or ban under that Act or any other Act enforced by the Commission;

(iii) contains a defect which could create a substantial product hazard described in section 15(a)(2) of the Consumer Product Safety Act (15 U.S.C. 2064(a)(2)); or

(iv) creates an unreasonable risk of serious injury or death; or

(B) any other harm described in subsection (b)(1)(A) of section 6A of the Consumer Product Safety Act (15 U.S.C. 2055a) and required to be reported in the database established under subsection (a) of that section.

(2) CONSUMER PRODUCT.—The term ''consumer product'' has the meaning given that term in section 3 of the Consumer Product Safety Act (15 U.S.C. 2052).

SEC. 1049. INCLUSION OF UNITED STATES NAVAL SEA CADET CORPS AMONG YOUTH AND CHARITABLE ORGANIZATIONS AUTHORIZED TO RECEIVE ASSISTANCE FROM THE NATIONAL GUARD.

Section 508(d) of title 32, United States Code, is amended—

(1) by redesignating paragraph (14) as paragraph (15); and

(2) by inserting after paragraph (13) the following new paragraph (14):

''(14) The United States Naval Sea Cadet Corps.''.

SEC. 1050. DEPARTMENT OF DEFENSE POLICY FOR THE REGULATION OF DANGEROUS DOGS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, through the Veterinary Service Activity of the Department of Defense, shall establish a standardized policy applicable across all military communities for the regulation of dangerous dogs that is—

(1) breed-neutral; and

(2) consistent with advice from professional veterinary and animal behavior experts in regard to effective regulation of dangerous dogs.

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall prescribe regulations implementing the policy established under subsection (a).

(2) BEST PRACTICES.—The regulations prescribed under paragraph (1) shall include strategies, for implementation within all military communities, for the prevention of dog bites that are consistent with the following best practices:

(A) Enforcement of comprehensive, nonbreed-specific regulations relating to dangerous dogs, with emphasis on identification of dangerous dog behavior and chronically irresponsible owners.

(B) Enforcement of animal control regulations, such as leash laws and stray animal control policies.

(C) Promotion and communication of resources for pet spaying and neutering.

(D) Investment in community education initiatives, such as teaching criteria for pet selection, pet care best practices, owner responsibilities, and safe and appropriate interaction with dogs.

(c) MILITARY COMMUNITIES DEFINED.—In this section, the term ''military communities'' means—

(1) all installations of the Department; and

(2) all military housing, including privatized military housing under subchapter IV of chapter 169 of title 10, United States Code.

SEC. 1051. SENSE OF CONGRESS ON THE BASING OF KC–46A AIRCRAFT OUTSIDE THE CONTIGUOUS UNITED STATES.

It is the sense of Congress that the Secretary of the Air Force, as part of the strategic basing process for KC–46A aircraft at installations outside the contiguous United States (OCONUS), should—

(1) consider the benefits derived from basing such aircraft at locations that—

(A) support day-to-day air refueling operations, operations plans of multiple combatant commands, and flexibility for contingency operations;

(B) 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;

(C) possess facilities that take full advantage of existing infrastructure to provide—

(i) runway, hangars, and aircrew and maintenance operations; and

(ii) sufficient fuel receipt, storage, and distribution for 5-day peacetime operating stock; and

(D) minimize overall construction and operational costs;

(2) prioritize United States responsiveness and flexibility to continued long-term great power competition and other major threats, as outlined in the 2017 National Security Strategy and the 2018 National Defense Strategy; and

(3) take into account the advancement of adversary weapons systems, with respect to both capacity and range.

Subtitle F—Studies and Reports

SEC. 1061. REPORT ON POTENTIAL IMPROVEMENTS TO CERTAIN MILITARY EDUCATIONAL INSTITUTIONS OF THE DEPARTMENT OF DEFENSE.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than December 1, 2021, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the results of a review and assessment, obtained by the Secretary for purposes of the report, of the potential effects on the military education provided by the educational institutions of the Department of Defense specified in subsection (b) of the actions described in subsection (c).

(2) CONDUCTING ORGANIZATION.—The review and assessment required for purposes of the report shall be performed by an organization selected by the Secretary from among organizations independent of the Department that have expertise in the analysis of matters in connection with higher education.

(b) EDUCATIONAL INSTITUTIONS OF THE DEPARTMENT OF DEFENSE.—The educational institutions of the Department of Defense specified in this subsection are the following:

(1) The senior level service schools and intermediate level service schools (as such terms are defined in section 2151(b) of title 10, United States Code).

(2) The Air Force Institute of Technology.

(3) The National Defense University.

(4) The Joint Special Operations University.

(5) The Army Armament Graduate School.

(6) Any other military educational institution of the Department specified by the Secretary for purposes of this section.

(c) ACTIONS.—The actions described in this subsection with respect to the educational institutions of the Department of Defense specified in subsection (b) are the following:

(1) Modification of admission and graduation requirements.

(2) Expansion of use of case studies in curricula for professional military education.

(3) Reduction or expansion of degree-granting authority.

(4) Reduction or expansion of the acceptance of research grants.

(5) Reduction of the number of attending students generally.

(6) Modification of military personnel career milestones in order to prioritize instructor positions.

(7) Increase in educational and performance requirements for military personnel selected to be instructors.

(8) Expansion of ''visiting'' or ''adjunct'' faculty.

(9) Modification of civilian faculty management practices, including employment practices.

(10) Reduction of the number of attending students through the sponsoring of education of an increased number of students at non-Department of Defense institutions of higher education.

(11) Modification of enlisted personnel management and career milestones to increase attendance at non-Department of Defense institutions of higher education

(d) ADDITIONAL ELEMENTS.—In addition to the matters described in subsection (a), the review and report under this section shall also include the following:

(1) A comparison of admission standards and graduation requirements of the educational institutions of the Department of Defense specified in subsection (b) with admission standards and graduation requirements of public and private institutions of higher education that are comparable to the educational institutions of the Department of Defense.

(2) A comparison of the goals and missions of the educational institutions of the Department of Defense specified in subsection (b) with the goals and missions of such public and private institutions of higher education.

(3) Any other matters the Secretary considers appropriate for purposes of this section.

(e) JCS EVALUATION OF REVIEW AND ASSESSMENT.—Not later than 90 days after the date on which the report required by subsection (a) is submitted to Congress, the Chairman of the Joint Chiefs of Staff shall, in consultation with the other members of the Joint Chiefs of Staff, submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth any evaluation by the Joint Chiefs of Staff of the review and assessment covered by the report under subsection (a).

SEC. 1062. REPORTS ON STATUS AND MODERNIZATION OF THE NORTH WARNING SYSTEM.

(a) REPORT ON STATUS.—

(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 status of the North Warning System.

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

(A) A description and assessment of the status and operational integrity of the infrastructure of the North Warning System.

(B) An assessment of the technology currently used by the North Warning System compared with the technology considered necessary by the Commander of the North American Aerospace Defense Command to detect current and anticipated threats.

(C) An assessment of the infrastructure and ability of the Alaska Radar System to integrate into the broader North Warning System.

(D) An assessment of the ability of the North Warning System to integrate with current and anticipated space-based sensor platforms.

(b) REPORT ON PLAN FOR MODERNIZATION.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report setting forth a plan for the modernization of the capabilities provided by the current North Warning System.

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

(A) A detailed timeline for the modernization of the North Warning System based on the status of the system as reported pursuant to subsection (a).

(B) The technological advancements necessary for ground-based North Warning System sites to address current and anticipated threats (as specified by the Commander of the North American Aerospace Defense Command).

(C) An assessment of the number of future North Warning System sites required in order to address current and anticipated threats (as so specified).

(D) Any new or complementary technologies required to accomplish the mission of the North Warning System.

(E) The cost and schedule, by year, of the plan.

SEC. 1063. STUDIES ON THE FORCE STRUCTURE FOR MARINE CORPS AVIATION.

(a) STUDIES REQUIRED.—The Secretary of Defense shall provide for performance of three studies on the force structure for Marine Corps aviation through 2030.

(b) RESPONSIBILITY FOR STUDIES.—One of the three studies performed pursuant to subsection (a) shall be performed by each of the following:

(1) The Secretary of the Navy, in consultation with the Commandant of the Marine Corps.

(2) An appropriate Federally funded research and development center (FFRDC), as selected by the Secretary for purposes of this section.

(3) An appropriate organization described in section 501(c)(3) of the Internal Revenue Code of 1986 which is exempt from taxation under section 501(a) of such code, as selected by the Secretary for purposes of this section.

(c) PERFORMANCE.—

(1) INDEPENDENT PERFORMANCE.—Each study performed pursuant to subsection (a) shall be performed independently of each other such study,

(2) MATTERS TO BE CONSIDERED.—In performing a study pursuant to subsection, the officer or entity performing the study take into account, within the context of the current force structure for Marine Corps aviation, the following:

(A) The 2018 National Defense Strategy and the 2018 National Military Strategy.

(B) The Marine Corps Force Design 2030.

(C) Potential roles and missions for Marine Corps aviation given new operating concepts for the Marine Corps.

(D) The potential for increased requirements for survivable and dispersed strike aircraft.

(E) The potential for increased requirements for tactical or intratheater lift, amphibious lift, or surface connectors.

(d) STUDY RESULTS.—The results of each study performed pursuant to subsection (a) shall include the following:

(1) The various force structures for Marine Corps aviation through 2030 considered under such study, together with the assumptions and possible scenarios identified for each such force structure.

(2) A recommendation for the force structure for Marine Corps aviation through 2030, including the following in connection with such force structure:

(A) Numbers and type of aviation assets, numbers and types of associated unmanned assets, and basic capabilities of each such asset.

(B) A description and assessment of the deviation of such force structure from the most recent Marine Corps Aviation Plan.

(C) Any other information required for assessment of such force structure, including supporting analysis.

(3) A presentation and discussion of minority views among participants in such study.

(e) REPORT.—

(1) IN GENERAL.—Not later than April 1, 2021, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the results of each study performed pursuant to subsection (a).

(2) FORM.—The report under this subsection shall be submitted in unclassified form, but may include a classified annex.

Subtitle G—Other Matters

SEC. 1081. DEPARTMENT OF DEFENSE STRATEGIC ARCTIC PORTS.

(a) REPORT.—Not later than March 1, 2021, the Secretary of Defense shall submit to the congressional defense committees a report setting forth an updated assessment of the estimated cost of constructing, maintaining, and operating a strategic port in the Arctic at each potential site evaluated in the report pursuant to section 1752(b) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92). The report under this subsection shall include, for each potential site at which construction of such a port could be completed by 2030, an estimate of the number of days per year that such port would be usable by vessels of the Navy and the Coast Guard.

(b) DESIGNATION OF STRATEGIC ARCTIC PORTS.—Not later than 90 days after the date on which the report required by subsection (a) is submitted, the Secretary of Defense may, 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, designate one or more ports as Department of Defense Strategic Arctic Ports from the sites identified in the report referred to in subsection (a).

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to authorize any additional appropriations for the Department of Defense for the establishment of any port designated pursuant to this section.

(d) ARCTIC DEFINED.—In this section, the term ''Arctic'' has the meaning given that term in section 112 of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4111).

SEC. 1082. PERSONAL PROTECTIVE EQUIPMENT MATTERS.

(a) BRIEFINGS ON FIELDING OF NEWEST GENERATIONS OF PPE TO THE ARMED FORCES.—

(1) BRIEFINGS REQUIRED.—Not later than January 31, 2021, each Secretary of a military department shall submit to Congress a briefing on the fielding of the newest generations of personal protective equipment (PPE) to the Armed Forces under the jurisdiction of such Secretary.

(2) ELEMENTS.—Each briefing under paragraph (1) shall include, for each Armed Force covered by such briefing, the following:

(A) A description and assessment of the fielding of newest generations of personal protective equipment to members of such Armed Force, including the following:

(i) The number (aggregated by total number and by sex) of members of such Armed Force issued the Army Soldiers Protective System and the Modular Scalable Vest Generation II body armor as of December 31, 2020.

(ii) The number (aggregated by total number and by sex) of members of such Armed Force issued Marine Corps Plate Carrier Generation III (PC Gen III) body armor as of that date.

(iii) The number (aggregated by total number and by sex) of members of such Armed Force fitted with legacy personal protective equipment as of that date.

(B) A description and assessment of the barriers, if any, to the fielding of such generations of equipment to such members.

(C) A description and assessment of challenges in the fielding of such generations of equipment to such members, including cost overruns, contractor delays, and other challenges.

(b) SYSTEM FOR TRACKING DATA ON INJURIES AMONG MEMBERS OF THE ARMED FORCES IN USE OF NEWEST GENERATION PPE.—

(1) SYSTEM REQUIRED.—

(A) IN GENERAL.—The Director of the Defense Health Agency (DHA) shall develop and maintain a system for tracking data on injuries among members of the Armed Forces in and during the use of newest generation personal protective equipment.

(B) SCOPE OF SYSTEM.—The system required by this paragraph may, at the election of the Director, be new for purposes of this subsection or within or a modification of an appropriate existing system (such as the Defense Occupational And Environmental Health Readiness System (DOEHRS)).

(2) BRIEFING.—Not later than January 31, 2025, the Director shall submit to Congress a briefing on the prevalence among members of the Armed Forces of preventable injuries attributable to ill-fitting or malfunctioning personal protective equipment.

(c) ASSESSMENTS OF MEMBERS OF THE ARMED FORCES OF INJURIES INCURRED IN CONNECTION WITH ILL-FITTING OR MALFUNCTIONING PPE.—

(1) IN GENERAL.—Each health assessment specified in paragraph (2) that is undertaken after the date of the enactment of this Act shall include the following:

(A) One or more questions on whether members incurred an injury in connection with ill-fitting or malfunctioning personal protective equipment during the period covered by such assessment, including the nature of such injury.

(B) In the case members who have so incurred such an injury, one or more elements of self-evaluation of such injury by such members for purposes of facilitating timely documentation and enhanced monitoring of such members and injuries.

(2) ASSESSMENTS.—The health assessments specified in this paragraph are the following:

(A) The annual Periodic Health Assessment (PHA) of members of the Armed Forces.

(B) The post-deployment health assessment of members of the Armed Forces.

SEC. 1083. ESTIMATE OF DAMAGES FROM FEDERAL COMMUNICATIONS COMMISSION ORDER 20–48.

(a) LIMITATION, ESTIMATE, AND CERTIFICATION.—None of the funds authorized to be appropriated by this Act for fiscal year 2021 may be used by the Secretary of Defense to comply with the Order and Authorization adopted by the Federal Communications Commission on April 19, 2020 (FCC 20–48) until the Secretary—

(1) submits to the congressional defense committees an estimate of the extent of covered costs and the range of eligible reimbursable costs associated with interference resulting from such order and authorization to the Global Positioning System of the Department of Defense; and

(2) certifies to the congressional defense committees that the estimate submitted under paragraph (1) is accurate with a high degree of certainty.

(b) COVERED COSTS.—For purposes of this section, covered costs include costs that would be incurred—

(1) to upgrade, repair, or replace potentially affected receivers of the Federal Government;

(2) to modify, repair, or replace equipment, spares, associated ancillary equipment, software, facilities, operating manuals, training, or compliance with regulations, including with regard to the underlying platform or system in which a capability of the Global Positioning System is embedded; and

(3) for personnel of the Department to engineer, validate, and verify that any required remediation provides the Department with the same operational capability for the affected system prior to terrestrial operation in the 1525 to 1559 megahertz or 1626.5 to 1660.5 megahertz bands of electromagnetic spectrum.

(c) RANGE OF ELIGIBLE REIMBURSABLE COSTS.—For purposes of this section, the range of eligible reimbursable costs includes—

(1) costs associated with engineering, equipment, software, site acquisition, and construction;

(2) any transaction expense that the Secretary determines is legitimate and prudent;

(3) costs relating to term-limited Federal civil servant and contractor staff; and

(4) the costs of research, engineering studies, or other expenses the Secretary determines reasonably incurred.

SEC. 1084. MODERNIZATION EFFORT.

(a) DEFINITIONS.—In this section—

(1) the term ''Assistant Secretary'' means the Assistant Secretary of Commerce for Communications and Information;

(2) the term ''covered agency''—

(A) means any Federal entity that the Assistant Secretary determines is appropriate; and

(B) includes the Department of Defense;

(3) the term ''Federal entity'' has the meaning given the term in section 113(l) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(l));

(4) the term ''Federal spectrum'' means frequencies assigned on a primary basis to a covered agency;

(5) the term ''infrastructure'' means information technology systems and information technologies, tools, and databases; and

(6) the term ''NTIA'' means the National Telecommunications and Information Administration.

(b) INITIAL INTERAGENCY SPECTRUM INFORMATION TECHNOLOGY COORDINATION.—Not later than 90 days after the date of enactment of this Act, the Assistant Secretary, in consultation with the Policy and Plans Steering Group, shall identify a process to establish goals, including parameters to measure the achievement of those goals, for the modernization of the infrastructure of covered agencies relating to managing the use of Federal spectrum by those agencies, which shall include—

(1) the standardization of data inputs, modeling algorithms, modeling and simulation processes, analysis tools with respect to Federal spectrum, assumptions, and any other tool to ensure interoperability and functionality with respect to that infrastructure;

(2) other potential innovative technological capabilities with respect to that infrastructure, including cloud-based databases, artificial intelligence technologies, automation, and improved modeling and simulation capabilities;

(3) ways to improve the management of covered agencies' use of Federal spectrum through that infrastructure, including by—

(A) increasing the efficiency of that infrastructure;

(B) addressing validation of usage with respect to that infrastructure;

(C) increasing the accuracy of that infrastructure;

(D) validating models used by that infrastructure; and

(E) monitoring and enforcing requirements that are imposed on covered agencies with respect to the use of Federal spectrum by covered agencies;

(4) ways to improve the ability of covered agencies to meet mission requirements in congested environments with respect to Federal spectrum, including as part of automated adjustments to operations based on changing conditions in those environments;

(5) the creation of a time-based automated mechanism—

(A) to share Federal spectrum between covered agencies to collaboratively and dynamically increase access to Federal spectrum by those agencies; and

(B) that could be scaled across Federal spectrum; and

(6) the collaboration between covered agencies necessary to ensure the interoperability of Federal spectrum.

(c) SPECTRUM INFORMATION TECHNOLOGY MODERNIZATION.—

(1) IN GENERAL.—Not later than 240 days after the date of enactment of this Act, the Assistant Secretary shall submit to Congress a report that contains the plan of the NTIA to modernize and automate the infrastructure of the NTIA relating to managing the use of Federal spectrum by covered agencies so as to more efficiently manage that use.

(2) CONTENTS.—The report required under paragraph (1) shall include—

(A) an assessment of the current, as of the date on which the report is submitted, infrastructure of the NTIA described in that paragraph;

(B) an acquisition strategy for the modernized infrastructure of the NTIA described in that paragraph, including how that modernized infrastructure will enable covered agencies to be more efficient and effective in the use of Federal spectrum;

(C) a timeline for the implementation of the modernization efforts described in that paragraph;

(D) plans detailing how the modernized infrastructure of the NTIA described in that paragraph will—

(i) enhance the security and reliability of that infrastructure so that such infrastructure satisfies the requirements of subchapter II of chapter 35 of title 44, United States Code;

(ii) improve data models and analysis tools to increase the efficiency of the spectrum use described in that paragraph;

(iii) enhance automation and workflows, and reduce the scope and level of manual effort, in order to—

(I) administer the management of the spectrum use described in that paragraph; and

(II) improve data quality and processing time; and

(iv) improve the timeliness of spectrum analyses and requests for information, including requests submitted pursuant to section 552 of title 5, United States Code;

(E) an operations and maintenance plan with respect to the modernized infrastructure of the NTIA described in that paragraph;

(F) a strategy for coordination between the covered agencies within the Policy and Plans Steering Group, which shall include—

(i) a description of—

(I) those coordination efforts, as in effect on the date on which the report is submitted; and

(II) a plan for coordination of those efforts after the date on which the report is submitted, including with respect to the efforts described in subsection (d);

(ii) a plan for standardizing—

(I) electromagnetic spectrum analysis tools;

(II) modeling and simulation processes and technologies; and

(III) databases to provide technical interference assessments that are usable across the Federal Government as part of a common spectrum management infrastructure for covered agencies;

(iii) a plan for each covered agency to implement a modernization plan described in subsection (d)(1) that is tailored to the particular timeline of the agency;

(G) identification of manually intensive processes involved in managing Federal spectrum and proposed enhancements to those processes;

(H) metrics to evaluate the success of the modernization efforts described in that paragraph and any similar future efforts; and

(I) an estimate of the cost of the modernization efforts described in that paragraph and any future maintenance with respect to the modernized infrastructure of the NTIA described in that paragraph, including the cost of any personnel and equipment relating to that maintenance.

(d) INTERAGENCY INPUTS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the head of each covered agency shall submit to the Assistant Secretary and the Policy and Plans Steering Group a report that describes the plan of the agency to modernize the infrastructure of the agency with respect to the use of Federal spectrum by the agency so that such modernized infrastructure of the agency is interoperable with the modernized infrastructure of the NTIA, as described in subsection (c).

(2) CONTENTS.—Each report submitted by the head of a covered agency under paragraph (1) shall—

(A) include—

(i) an assessment of the current, as of the date on which the report is submitted, management capabilities of the agency with respect to the use of frequencies that are assigned to the agency, which shall include a description of any challenges faced by the agency with respect to that management;

(ii) a timeline for completion of the modernization efforts described in that paragraph; and

(iii) a description of potential innovative technological capabilities for the management of frequencies that are assigned to the agency, as determined under subsection (b);

(iv) identification of agency-specific requirements or constraints relating to the infrastructure of the agency;

(v) identification of any existing, as of the date on which the report is submitted, systems of the agency that are duplicative of the modernized infrastructure of the NTIA, as proposed under subsection (c); and

(vi) with respect to the report submitted by the Secretary of Defense—

(I) a strategy for the integration of systems or the flow of data among the Armed Forces, the military departments, the Defense Agencies and Department of Defense Field Activities, and other components of the Department of Defense;

(II) a plan for the implementation of solutions to the use of Federal spectrum by the Department of Defense involving information at multiple levels of classification; and

(III) a strategy for addressing, within the modernized infrastructure of the Department of Defense described in that paragraph, the exchange of information between the Department of Defense and the NTIA in order to accomplish required processing of all Department of Defense domestic spectrum coordination and management activities; and

(B) be submitted in an unclassified format, with a classified annex, as appropriate.

(3) NOTIFICATION OF CONGRESS.—Upon submission of the report required under paragraph (1), the head of each covered agency shall notify Congress that the head of the covered agency has submitted the report.

(e) GAO OVERSIGHT.—The Comptroller General of the United States shall—

(1) not later than 90 days after the date of enactment of this Act, conduct a review of the infrastructure of covered agencies, as that infrastructure exists on the date of enactment of this Act;

(2) after all of the reports required under subsection (d) have been submitted, conduct oversight of the implementation of the modernization plans submitted by the NTIA and covered agencies under subsections (c) and (d), respectively;

(3) not later than 1 year after the date on which the Comptroller General begins conducting oversight under paragraph (2), and annually thereafter, submit a report regarding that oversight to—

(A) with respect to the implementation of the modernization plan of the Department of Defense, the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives; and

(B) with respect to the implementation of the modernization plans of all covered agencies, including the Department of Defense, the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives; and

(4) provide regular briefings to—

(A) with respect to the application of this section to the Department of Defense, the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives; and

(B) with respect to the application of this section to all covered agencies, including the Department of Defense, the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives.

TITLE XI—CIVILIAN PERSONNEL MATTERS

Subtitle A—Department of Defense Matters

SEC. 1101. ENHANCED PAY AUTHORITY FOR CERTAIN ACQUISITION AND TECHNOLOGY POSITIONS IN THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Subchapter I of chapter 87 of title 10, United States Code, is amended by inserting after section 1701a the following new section:

"§ 1701b. Enhanced pay authority for certain acquisition and technology positions

''(a) IN GENERAL.—The Secretary of Defense may carry out a program using the pay authority specified in subsection (d) to fix the rate of basic pay for positions described in subsection (c) in order to assist the Office of the Secretary of Defense and the military departments in attracting and retaining high-quality acquisition and technology experts in positions responsible for managing and developing complex, high-cost, technological acquisition efforts of the Department of Defense.

''(b) APPROVAL REQUIRED.—The program may be carried out only with approval as follows:

''(1) Approval of the Under Secretary of Defense for Acquisition and Sustainment, in the case of positions in the Office of the Secretary of Defense.

''(2) Approval of the service acquisition executive of the military department concerned, in the case of positions in a military department.

''(c) POSITIONS.—The positions described in this subsection are positions that—

''(1) require expertise of an extremely high level in a scientific, technical, professional, or acquisition management field; and

''(2) are critical to the successful accomplishment of an important acquisition or technology development mission.

''(d) RATE OF BASIC PAY.—The pay authority specified in this subsection is authority as follows:

''(1) Authority to fix the rate of basic pay for a position at a rate not to exceed 150 percent of the rate of basic pay payable for level I of the Executive Schedule, upon the approval of the Under Secretary of Defense for Acquisition and Sustainment or the service acquisition executive concerned, as applicable.

''(2) Authority to fix the rate of basic pay for a position at a rate in excess of 150 percent of the rate of basic pay payable for level I of the Executive Schedule, upon the approval of the Secretary of Defense.

''(e) LIMITATIONS.—

''(1) IN GENERAL.—The authority in subsection (a) may be used only to the extent necessary to competitively recruit or retain individuals exceptionally well qualified for positions described in subsection (c).

''(2) NUMBER OF POSITIONS.—The authority in subsection (a) may not be used with respect to more than five positions in the Office of the Secretary of Defense and more than five positions in each military department at any one time.

''(3) TERM OF POSITIONS.—The authority in subsection (a) may be used only for positions having terms less than five years.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 87 of such title is amended by inserting after the item relating to section 1701a the following new item:

''1701b. Enhanced pay authority for certain acquisition and technology positions.''.

(c) REPEAL OF PILOT PROGRAM.—

(1) IN GENERAL.—Section 1111 of the National Defense Authorization Act for Fiscal Year 2016 (10 U.S.C. 1701 note) is repealed.

(2) CONTINUATION OF PAY.—The repeal in paragraph (1) shall not be interpreted to prohibit the payment of basic pay at rates fixed under such section 1111 before the date of the enactment of this Act for positions having terms that continue after that date.

SEC. 1102. ENHANCED PAY AUTHORITY FOR CERTAIN RESEARCH AND TECHNOLOGY POSITIONS IN THE SCIENCE AND TECHNOLOGY REINVENTION LABORATORIES OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Chapter 139 of title 10, United States Code, is amended by inserting after section 2358b the following new section:

"§ 2358c. Enhanced pay authority for certain research and technology positions in science and technology reinvention laboratories

''(a) IN GENERAL.—The Secretary of Defense may carry out a program using the pay authority specified in subsection (d) to fix the rate of basic pay for positions described in subsection (c) in order to assist the military departments in attracting and retaining high quality acquisition and technology experts in positions responsible for managing and performing complex, high-cost research and technology development efforts in the science and technology reinvention laboratories of the Department of Defense.

''(b) APPROVAL REQUIRED.—The program may be carried out in a military department only with the approval of the service acquisition executive of the military department concerned.

''(c) POSITIONS.—The positions described in this subsection are positions in the science and technology reinvention laboratories of the Department of Defense that—

''(1) require expertise of an extremely high level in a scientific, technical, professional, or acquisition management field; and

''(2) are critical to the successful accomplishment of an important research or technology development mission.

''(d) RATE OF BASIC PAY.—The pay authority specified in this subsection is authority as follows:

''(1) Authority to fix the rate of basic pay for a position at a rate not to exceed 150 percent of the rate of basic pay payable for level I of the Executive Schedule, upon the approval of the service acquisition executive concerned.

''(2) Authority to fix the rate of basic pay for a position at a rate in excess of 150 percent of the rate of basic pay payable for level I of the Executive Schedule, upon the approval of the Secretary of the military department concerned.

''(e) LIMITATIONS.—

''(1) IN GENERAL.—The authority in subsection (a) may be used only to the extent necessary to competitively recruit or retain individuals exceptionally well qualified for positions described in subsection (c).

''(2) NUMBER OF POSITIONS.—The authority in subsection (a) may not be used with respect to more than five positions in each military department at any one time.

''(3) TERM OF POSITIONS.—The authority in subsection (a) may be used only for positions having a term of less than five years.

''(f) SCIENCE AND TECHNOLOGY REINVENTION LABORATORIES OF THE DEPARTMENT OF DEFENSE DEFINED.—In this section, the term 'science and technology reinvention laboratories of the Department of Defense' means the laboratories designated as science and technology reinvention laboratories by section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (10 U.S.C. 2358 note).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 139 of such title is amended by inserting after the item relating to section 2358b the following new item:

''2358c. Enhanced pay authority for certain research and technology positions in science and technology reinvention laboratories.''.

(c) REPEAL OF PILOT PROGRAM.—

(1) IN GENERAL.—Section 1124 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2456; 10 U.S.C. 2358 note) is repealed.

(2) CONTINUATION OF PAY.—The repeal in paragraph (1) shall not be interpreted to prohibit the payment of basic pay at rates fixed under such section 1124 before the date of the enactment of this Act for positions having terms that continue after that date.

SEC. 1103. EXTENSION OF ENHANCED APPOINTMENT AND COMPENSATION AUTHORITY FOR CIVILIAN PERSONNEL FOR CARE AND TREATMENT OF WOUNDED AND INJURED MEMBERS OF THE ARMED FORCES.

Section 1599c(b) of title 10, United States Code, is amended by striking ''December 31, 2020'' both places it appears and inserting ''December 31, 2025''.

SEC. 1104. EXTENSION OF OVERTIME RATE AUTHORITY FOR DEPARTMENT OF THE NAVY EMPLOYEES PERFORMING WORK ABOARD OR DOCKSIDE IN SUPPORT OF THE NUCLEAR-POWERED AIRCRAFT CARRIER FORWARD DEPLOYED IN JAPAN.

Section 5542(a)(6)(B) of title 5, United States Code, is amended by striking ''September 30, 2021'' and inserting ''September 30, 2023''.

SEC. 1105. EXPANSION OF DIRECT HIRE AUTHORITY FOR CERTAIN DEPARTMENT OF DEFENSE PERSONNEL TO INCLUDE INSTALLATION MILITARY HOUSING OFFICE POSITIONS SUPERVISING PRIVATIZED MILITARY HOUSING.

Section 9905(a) of title 5, United States Code, is amended by adding at the end the following new paragraph:

''(11) Any position in the military housing office of a military installation whose primary function is supervision of military housing covered by subchapter IV of chapter 169 of title 10.''.

SEC. 1106. EXTENSION OF SUNSET OF INAPPLICABILITY OF CERTIFICATION OF EXECUTIVE QUALIFICATIONS BY QUALIFICATION CERTIFICATION REVIEW BOARD OF OFFICE OF PERSONNEL MANAGEMENT FOR INITIAL APPOINTMENTS TO SENIOR EXECUTIVE SERVICE POSITIONS IN DEPARTMENT OF DEFENSE.

Section 1109(e) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 2010; 5 U.S.C. 3393 note) is amended by striking ''on the date'' and all that follows and inserting ''on August 13, 2023.''

SEC. 1107. PILOT PROGRAM ON ENHANCED PAY AUTHORITY FOR CERTAIN HIGH-LEVEL MANAGEMENT POSITIONS IN THE DEPARTMENT OF DEFENSE.

(a) PILOT PROGRAM AUTHORIZED.—The Secretary of Defense may carry out a pilot program to assess the feasibility and advisability of using the pay authority specified in subsection (d) to fix the rate of basic pay for positions described in subsection (c) in order to assist the Department of Defense in attracting and retaining personnel with significant experience in high-level management of complex organizations and enterprise functions in order to lead implementation by the Department of the National Defense Strategy.

(b) APPROVAL REQUIRED.—The pilot program may be carried out only with approval as follows:

(1) Approval of the Deputy Secretary of Defense, in the case of a position not under the authority, direction, and control of an Under Secretary of Defense and not under the authority, direction, and control of the Under Secretary of a military department.

(2) Approval of the applicable Under Secretary of Defense, in the case of a position under the authority, direction, and control of an Under Secretary of Defense.

(3) Approval of the Under Secretary or an Assistant Secretary of the military department concerned, in the case of a position in a military department.

(c) POSITIONS.—The positions described in this subsection are positions that require expertise of an extremely high level in innovative leadership and management of enterprise-wide business operations, including financial management, health care, supply chain and logistics, information technology, real property stewardship, and human resources, across a large and complex organization.

(d) RATE OF BASIC PAY.—The pay authority specified in this subsection is authority as follows:

(1) Authority to fix the rate of basic pay for a position at a rate not to exceed 150 percent of the rate of basic pay payable for level I of the Executive Schedule, upon the approval of the applicable official under subsection (b).

(2) Authority to fix the rate of basic pay for a position at a rate in excess of 150 percent of the rate of basic pay payable for level I of the Executive Schedule, upon the approval of the Secretary of Defense.

(e) LIMITATIONS.—

(1) IN GENERAL.—The authority in subsection (a) may be used only to the extent necessary to competitively recruit or retain individuals exceptionally well qualified for positions described in subsection (c).

(2) NUMBER OF POSITIONS.—The authority in subsection (a) may not be used with respect to—

(A) more than 10 positions in the Office of the Secretary of Defense and components of the Department of Defense other than the military departments at any one time; and

(B) more than five positions in each military department at any one time.

(3) TERM OF POSITIONS.—The authority in subsection (a) may be used only for positions having terms less than five years.

(4) PAST SERVICE.—An individual may not be appointed to a position pursuant to the authority provided by subsection (a) if the individual separated or retired from Federal civil service or service as a commissioned officer of an Armed Force on a date that is less than five years before the date of such appointment of the individual.

(f) TERMINATION.—

(1) IN GENERAL.—The authority to fix rates of basic pay for a position under this section shall terminate on October 1, 2025.

(2) CONTINUATION OF PAY.—Nothing in paragraph (1) shall be construed to prohibit the payment after October 1, 2025, of basic pay at rates fixed under this section before that date for positions whose terms continue after that date.

SEC. 1108. PILOT PROGRAM ON EXPANDED AUTHORITY FOR APPOINTMENT OF RECENTLY RETIRED MEMBERS OF THE ARMED FORCES TO POSITIONS IN THE DEPARTMENT OF DEFENSE.

(a) PILOT PROGRAM REQUIRED.—The Secretary of Defense shall carry out a pilot program to assess the feasibility and advisability of expanding the use of the authority in section 3326 of title 5, United States Code, to appoint retired members of the Armed Forces described in subsection (b) of that section to positions in the Department of Defense described in subsection (b) of this section.

(b) POSITIONS.—

(1) IN GENERAL.—The positions in the Department described in this subsection are positions classified at or below GS–13 under the General Schedule under subchapter III of chapter 53 of title 5, United States Code, or an equivalent level under another wage system, in the competitive service—

(A) to which appointments are authorized using Direct Hire Authority or Expedited Hiring Authority; and

(B) that have been certified by the Secretary of the military department concerned as lacking sufficient numbers of potential applicants who are not retired members of the Armed Forces.

(2) LIMITATION ON DELEGATION OF CERTIFICATION.—The Secretary of a military department may not delegate the authority to make a certification described in paragraph (1)(B) to an individual in a grade lower than colonel, captain in the Navy, or an equivalent grade in the Space Force, or an individual with an equivalent civilian grade.

(c) DURATION.—The duration of the pilot program shall be three years.

(d) REPORT.—Not later than two years after the commencement of the pilot program, the Secretary of Defense shall submit to the congressional defense committees a report on the pilot program. The report shall include the following:

(1) A description of the pilot program, including the positions to which appointments are authorized to be made under the pilot program and the number of retired members appointed to each such position under the pilot program.

(2) Any other matters in connection with the pilot program that the Secretary considers appropriate.

SEC. 1109. DIRECT HIRE AUTHORITY AND RELOCATION INCENTIVES FOR POSITIONS AT REMOTE LOCATIONS.

(a) IN GENERAL.—Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1599i. Direct hire authority and relocation incentives for positions at remote locations

''(a) DIRECT HIRE AUTHORITY.—

''(1) IN GENERAL.—The Secretary of Defense may appoint, without regard to any provision of subchapter I of chapter 33 of title 5, qualified applicants to positions in the competitive service to fill vacancies at covered locations.

''(2) COVERED LOCATIONS.—For purposes of this section, a covered location is a location for which the Secretary has determined that critical hiring needs are not being met due to the geographic remoteness or isolation or extreme climate conditions of the location.

''(b) RELOCATION INCENTIVES.—

''(1) IN GENERAL.—An individual appointed to a position pursuant to subsection (a) may be paid a relocation incentive in connection with the relocation of the individual to the location of the position.

''(2) AMOUNT.—The amount of a relocation incentive payable to an individual under this subsection may not exceed the amount equal to—

''(A) 25 percent of the annual rate of basic pay of the employee for the position concerned as of the date on which the service period in such position agreed to by the individual under paragraph (3) commences; multiplied by

''(B) the number of years (including fractions of a year) of such service period (not to exceed four years).

''(3) SERVICE AGREEMENT.—To receive a relocation incentive under this subsection, an individual appointed to a position under subsection (a) shall enter into an agreement with the Secretary of Defense to complete a period of service at the covered location. The period of obligated service of the individual at such location under the agreement may not exceed four years. The agreement shall include such repayment or alternative employment obligations as the Secretary considers appropriate for failure of the individual to complete the period of obligated service specified in the agreement.

''(4) RELATIONSHIP TO OTHER RELOCATION PAY.—A relocation incentive paid to an individual for a relocation under this subsection is in addition to any other relocation incentive or payment payable to the individual for such relocation by law.

''(c) SUNSET.—Effective on September 30, 2022, the authority provided under subsection (a) and the authority to provide relocation incentives under subsection (b) shall expire.''.

(b) OUTCOME MEASUREMENTS.—The Secretary of Defense shall develop outcome measurements to evaluate the effect of the authority provided under subsection (a) of section 1599i of title 10, United States Code, as added by subsection (a), and any relocation incentives provided under subsection (b) of such section.

(c) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than March 1, 2022, the Secretary of Defense shall submit to the congressional defense committees a report on the effect of the authority provided under subsection (a) of section 1599i of title 10, United States Code, as added by subsection (a), and any relocation incentives provided under subsection (b) of such section.

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

(A) A description and assessment of the effectiveness and achievements of the authority and relocation incentives described in paragraph (1), including—

(i) the number of employees hired to covered locations described in section 1599i(a)(2) of title 10, United States Code, as added by subsection (a); and

(ii) the cost-per-placement of such employees.

(B) A comparison of the effectiveness and use of the authority and relocation incentives described in paragraph (1) to authorities under title 5, United States Code, used by the Department of Defense before the date of the enactment of this Act to support hiring at remote or rural locations.

(C) An assessment of—

(i) the minority community outreach efforts made in using the authority and providing relocation incentives described in paragraph (1); and

(ii) participation outcomes.

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

(d) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 of title 10, United States Code, is amended by adding at the end the following new item:

''1599i. Direct hire authority and relocation incentives for positions at remote locations.''.

SEC. 1110. MODIFICATION OF DIRECT HIRE AUTHORITY FOR CERTAIN PERSONNEL INVOLVED WITH DEPARTMENT OF DEFENSE MAINTENANCE ACTIVITIES.

Section 9905(a)(1) of title 5, United States Code, is amended by striking ''including'' and all that follows and inserting the following: ''including—

''(A) depot-level maintenance and repair; and

''(B) support functions for such activities.''.

SEC. 1110A. FIRE FIGHTERS ALTERNATIVE WORK SCHEDULE DEMONSTRATION PROJECT FOR THE NAVY REGION MID-ATLANTIC FIRE AND EMERGENCY SERVICES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commander, Navy Region Mid-Atlantic, shall establish and carry out, for a period of not less than five years, a Fire Fighters Alternative Work Schedule demonstration project for the Navy Region Mid-Atlantic Fire and Emergency Services. Such demonstration project shall provide, with respect to each employee of the Navy Region Mid-Atlantic Fire and Emergency Services, that—

(1) assignments to tours of duty are scheduled in advance over periods of not less than two weeks;

(2) tours of duty are scheduled using a regularly recurring pattern of 48-hour shifts followed by 48 or 72 consecutive non-work hours, as determined by mutual agreement between the Commander, Navy Region Mid-Atlantic, and the exclusive employee representative at each Navy Region Mid-Atlantic installation, in such a manner that each employee is regularly scheduled for 144-hours in any two-week period;

(3) for any such employee that is a fire fighter working an alternative work schedule, such employee shall earn overtime compensation in a manner consistent with other applicable law and regulation;

(4) no right shall be established to any form of premium pay, including night, Sunday, holiday, or hazard duty pay; and

(5) leave accrual and use shall be consistent with other applicable law and regulation.

(b) REPORT.—Not later than 180 days after the date on which the demonstration project under this section terminates, the Commander, Navy Region Mid-Atlantic, shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report detailing—

(1) any financial savings or expenses directly and inseparably linked to the demonstration project;

(2) any intangible quality of life and morale improvements achieved by the demonstration project; and

(3) any adverse impact of the demonstration project occurring solely as the result of the transition to the demonstration project.

Subtitle B—Government-Wide Matters

SEC. 1111. ONE-YEAR EXTENSION OF TEMPORARY AUTHORITY TO GRANT ALLOWANCES, BENEFITS, AND GRATUITIES TO CIVILIAN PERSONNEL ON OFFICIAL DUTY IN A COMBAT ZONE.

Paragraph (2) of section 1603(a) of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 443), as added by section 1102 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4616) and as most recently amended by section 1104 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), is further amended by striking ''2021'' and inserting ''2022''.

SEC. 1112. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE ANNUAL LIMITATION ON PREMIUM PAY AND AGGREGATE LIMITATION ON PAY FOR FEDERAL CIVILIAN EMPLOYEES WORKING OVERSEAS.

Subsection (a) of section 1101 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4615), as most recently amended by section 1105 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), is further amended by striking ''through 2020'' and inserting ''through 2021''.

SEC. 1113. TECHNICAL AMENDMENTS TO AUTHORITY FOR REIMBURSEMENT OF FEDERAL, STATE, AND LOCAL INCOME TAXES INCURRED DURING TRAVEL, TRANSPORTATION, AND RELOCATION.

(a) IN GENERAL.—Section 5724b(b) of title 5, United States Code, is amended—

(1) by striking ''or relocation expenses reimbursed'' and inserting ''and relocation expenses reimbursed''; and

(2) by striking ''of chapter 41'' and inserting ''or chapter 41''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 2018, immediately after the coming into effect of the amendments made by subsection (a) of section 1114 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), as provided for in subsection (c) of such section 1114.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

SEC. 1201. AUTHORITY TO BUILD CAPACITY FOR ADDITIONAL OPERATIONS.

Section 333(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(8) Cyberspace operations.''.

SEC. 1202. AUTHORITY TO BUILD CAPACITY FOR AIR SOVEREIGNTY OPERATIONS.

Section 333(a) of title 10, United States Code, as amended by section 1201, is further amended—

(1) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively; and

(2) by inserting after paragraph (6) the following new paragraph (7):

''(7) Air sovereignty operations.''.

SEC. 1203. MODIFICATION TO THE INTER-EUROPEAN AIR FORCES ACADEMY.

Section 350(b) of title 10, United States Code, is amended by striking ''that are'' and all that follows through the period at the end and inserting ''that are—

''(1) members of the North Atlantic Treaty Organization;

''(2) signatories to the Partnership for Peace Framework Documents; or

''(3)(A) within the United States Africa Command area of responsibility; and

''(B) eligible for assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.).''.

SEC. 1204. MODIFICATION TO SUPPORT OF SPECIAL OPERATIONS FOR IRREGULAR WARFARE.

Subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1639), as most recently amended by section 1207 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), is further amended by striking ''$10,000,000'' and inserting ''$15,000,000''.

SEC. 1205. EXTENSION AND MODIFICATION OF AUTHORITY TO SUPPORT BORDER SECURITY OPERATIONS OF CERTAIN FOREIGN COUNTRIES.

(a) FUNDS AVAILABLE FOR SUPPORT.—Subsection (b) of section 1226 of the National Defense Authorization Act for Fiscal Year 2016 (22 U.S.C. 2151 note) is amended to read as follows:

''(b) FUNDS AVAILABLE FOR SUPPORT.—Amounts to provide support under the authority of subsection (a) may be derived only from amounts authorized to be appropriated and available for operation and maintenance, Defense-wide.''.

(b) EXTENSION.—Subsection (h) of such section is amended by striking ''December 31, 2021'' and inserting ''December 31, 2023''.

SEC. 1206. MODIFICATION OF AUTHORITY FOR PARTICIPATION IN MULTINATIONAL CENTERS OF EXCELLENCE.

(a) IN GENERAL.—Section 344 of title 10, United States Code, is amended—

(1) in the section heading, by striking ''**multinational military centers of excellence**'' and inserting ''**multinational centers of excellence**'';

(2) by striking ''multinational military center of excellence'' each place it appears and inserting ''multinational center of excellence'';

(3) by striking ''multinational military centers of excellence'' each place it appears

and inserting ''multinational centers of excellence'';

(4) in subsection (b)(1), by inserting ''or entered into by the Secretary of State,'' after ''Secretary of State,'';

(5) in subsection (e)—

(A) in the subsection heading, by striking ''MULTINATIONAL MILITARY CENTER OF EXCELLENCE '' and inserting ''MULTINATIONAL CENTER OF EXCELLENCE'';

(B) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and moving the subparagraphs two ems to the right;

(C) in the matter preceding subparagraph (A), as so redesignated, by striking ''means an entity'' and inserting ''means—

''(1) an entity'';

(D) in subparagraph (D), as so redesignated, by striking the period at the end and inserting ''; and''; and

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

''(2) the European Centre of Excellence for Countering Hybrid Threats, established in 2017 and located in Helsinki, Finland.'';

(6) by redesignating subsection (e) as subsection (f); and

(7) by inserting after subsection (d) the following new subsection (e):

''(e) NOTIFICATION.—Not later than 30 days before the date on which the Secretary of Defense authorizes participation under subsection (a) in a new multinational center of excellence, the Secretary shall notify the congressional defense committees of such participation.''.

(b) CONFORMING AMENDMENT.—Title 10, United States Code, is amended, in the table of sections at the beginning of subchapter V of chapter 16, by striking the item relating to section 344 and inserting the following:

''344. Participation in multinational centers of excellence.''.

SEC. 1207. IMPLEMENTATION OF THE WOMEN, PEACE, AND SECURITY ACT OF 2017.

(a) IN GENERAL.—During the period beginning on the date of the enactment of this Act and ending on September 30, 2025, the Secretary of Defense shall undertake activities consistent with the Women, Peace, and Security Act of 2017 (Public Law 115–68; 131 Stat. 1202) and with the guidance specified in this section, including—

(1) establishing Department of Defense-wide policies and programs that advance the implementation of that Act, including military doctrine and Department-specific and combatant command-specific programs;

(2) ensuring the Department sufficient personnel to serve as gender advisors, including by hiring and training full-time equivalent personnel, as necessary, and establishing roles, responsibilities, and requirements for gender advisors;

(3) the deliberate integration of gender analysis into relevant training for members of the Armed Forces across ranks, as described in the Women's Entrepreneurship and Economic Empowerment Act of 2018 (Public Law 115–428; 132 Stat. 5509); and

(4) security cooperation activities that further the implementation of the Women, Peace, and Security Act of 2017 (Public Law 115–68; 131 Stat. 1202).

(b) BUILDING PARTNER DEFENSE INSTITUTION AND SECURITY FORCE CAPACITY.—

(1) INCORPORATION OF GENDER ANALYSIS AND PARTICIPATION OF WOMEN INTO SECURITY COOPERATION ACTIVITIES.—Consistent with the Women, Peace, and Security Act of 2017 (Public Law 115–68; 131 Stat. 1202), the Secretary of Defense, in coordination with the Secretary of State, shall seek to incorporate gender analysis and participation by women, as appropriate, into the institutional and national security force capacity-building activities of security cooperation programs carried out under title 10, United States Code, including by—

(A) incorporating gender analysis and women, peace, and security priorities, including sex-disaggregated data, into educational and training materials and programs authorized by section 333 of title 10, United States Code;

(B) advising on the recruitment, employment, development, retention, and promotion of women in such national security forces, including by—

(i) identifying existing military career opportunities for women;

(ii) exposing women and girls to careers available in such national security forces and the skills necessary for such careers; and

(iii) encouraging women's and girls' interest in such careers by highlighting as role models women of the United States and applicable foreign countries in uniform;

(C) addressing sexual harassment and abuse against women within such national security forces;

(D) integrating gender analysis into security sector policy, planning, and training for such national security forces; and

(E) improving infrastructure to address the requirements of women serving in such national security forces, including appropriate equipment for female security and police forces.

(2) BARRIERS AND OPPORTUNITIES.—Partner country assessments conducted in the course of Department security cooperation activities to build the capacity of the national security forces of foreign countries shall include attention to the barriers and opportunities with respect to strengthening recruitment, employment, development, retention, and promotion of women in the military forces of such partner countries.

(c) DEPARTMENT-WIDE POLICIES ON WOMEN, PEACE, AND SECURITY.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall initiate a process to establish standardized policies described in subsection (a)(1).

(d) FUNDING.—The Secretary of Defense may use funds authorized to be appropriated in each fiscal year to the Department of Defense for operation and maintenance as specified in the table in section 4301 for carrying out the full implementation of the Women, Peace, and Security Act of 2017 (Public Law 115–68; 131 Stat. 1202) and the guidance on the matters described in paragraphs (1) through (4) of subsection (a) and subparagraphs (A) through (E) of subsection (b)(1).

(e) ANNUAL REPORT.—Not later than one year after the date of the enactment of this Act, and annually thereafter through 2025, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the steps the Department has taken to implement the Women, Peace, and Security Act of 2017 (Public Law 115–68; 131 Stat. 1202), including—

(1) a description of the progress made on each matter described in paragraphs (1) through (4) of subsection (a) and subparagraphs (A) through (E) of subsection (b)(1); and

(2) an identification of the amounts used for such purposes.

(f) 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. 1208. TED STEVENS CENTER FOR ARCTIC SECURITY STUDIES.

(a) PLAN REQUIRED.—

(1) IN GENERAL.—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 congressional defense committees a plan to establish a Department of Defense Regional Center for Security Studies for the Arctic.

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

(A) A description of the benefits of establishing such a center, including the manner in which the establishment of such a center would benefit United States and Department interests in the Arctic region.

(B) A description of the mission and purpose of such a center, including specific policy guidance from the Office of the Secretary of Defense.

(C) An analysis of suitable reporting relationships with the applicable combatant commands.

(D) An assessment of suitable locations for such a center that are—

(i) in proximity to other academic institutions that study security implications with respect to the Arctic region;

(ii) in proximity to the designated lead for Arctic affairs of the United States Northern Command;

(iii) in proximity to a central hub of assigned Arctic-focused Armed Forces so as to suitably advance relevant professional development of skills unique to the Arctic region; and

(iv) in a State located outside the contiguous United States.

(E) A description of the establishment and operational costs of such a center, including for—

(i) military construction for required facilities;

(ii) facility renovation;

(iii) personnel costs for faculty and staff; and

(iv) other costs the Secretary of Defense considers appropriate.

(F) An evaluation of the existing infrastructure, resources, and personnel available at military installations and at universities and other academic institutions that could reduce the costs described in accordance with subparagraph (E).

(G) An examination of partnership opportunities with United States allies and partners for potential collaboration and burden sharing.

(H) A description of potential courses and programs that such a center could carry out, including—

(i) core, specialized, and advanced courses;

(ii) planning workshops;

(iii) seminars;

(iv) confidence-building initiatives; and

(v) academic research.

(I) A description of any modification to title 10, United States Code, necessary for the effective operation of such a center.

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

(b) ESTABLISHMENT.—

(1) IN GENERAL.—Not earlier than 30 days after the submittal of the plan required by subsection (a), and subject to the availability of appropriations, the Secretary of Defense may establish and administer a Department of Defense Regional Center for Security Studies for the Arctic, to be known as the ''Ted Stevens Center for Arctic Security Studies'', for the purpose described in section 342(a) of title 10, United States Code.

(2) LOCATION.—The Ted Stevens Center for Arctic Security Studies may be located—

(A) in proximity to other academic institutions that study security implications with respect to the Arctic region;

(B) in proximity to the designated lead for Arctic affairs of the United States Northern Command;

(C) in proximity to a central hub of assigned Arctic-focused Armed Forces so as to suitably advance relevant professional development of skills unique to the Arctic region; and

(D) in a State located outside the contiguous United States.

SEC. 1209. FUNCTIONAL CENTER FOR SECURITY STUDIES IN IRREGULAR WARFARE.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the congressional defense committees a report that assesses the merits and feasibility of establishing and administering a Department of Defense Functional Center for Security Studies in Irregular Warfare.

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

(A) A description of the benefits to the United States, and the allies and partners of the United States, of establishing such a functional center, including the manner in which the establishment of such a functional center would enhance and sustain focus on, and advance knowledge and understanding of, matters of irregular warfare, including cybersecurity, nonstate actors, information operations, counterterrorism, stability operations, and the hybridization of such matters.

(B) A detailed description of the mission and purpose of such a functional center, including applicable policy guidance from the Office of the Secretary of Defense.

(C) An analysis of appropriate reporting and liaison relationships between such a functional center and—

(i) the geographic and functional combatant commands;

(ii) other Department of Defense stakeholders; and

(iii) other government and nongovernment entities and organizations.

(D) An enumeration and valuation of criteria applicable to the determination of a suitable location for such a functional center.

(E) A description of the establishment and operational costs of such a functional center, including for—

(i) military construction for required facilities;

(ii) facility renovation;

(iii) personnel costs for faculty and staff; and

(iv) other costs the Secretary of Defense considers appropriate.

(F) An evaluation of the existing infrastructure, resources, and personnel available at military installations and at universities and other academic and research institutions that could reduce the costs described in subparagraph (E).

(G) An examination of partnership opportunities with United States allies and partners for potential collaboration and burden sharing.

(H) A description of potential courses and programs that such a functional center could carry out, including—

(i) core, specialized, and advanced courses;

(ii) planning workshops and structured after-action reviews or debriefs;

(iii) seminars;

(iv) initiatives on executive development, relationship building, partnership outreach, and any other matter the Secretary of Defense considers appropriate; and

(v) focused academic research and studies in support of Department priorities.

(I) A description of any modification to title 10, United States Code, or any other provision of law, necessary for the effective establishment and administration of such a functional center.

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

(b) ESTABLISHMENT.—

(1) IN GENERAL.—Not earlier than 30 days after the submittal of the report required by subsection (a), and subject to the availability of appropriated funds, the Secretary of Defense may establish and administer a Department of Defense Functional Center for Security Studies in Irregular Warfare.

(2) TREATMENT AS A REGIONAL CENTER FOR SECURITY STUDIES.—A Department of Defense Functional Center for Security Studies in Irregular Warfare established under paragraph (1) shall be operated and administered in the same manner as the Department of Defense Regional Centers for Security Studies under section 342 of title 10, United States Code, and in accordance with such regulations as the Secretary of Defense may prescribe.

(3) LIMITATION.—No other institution or element of the Department may be designated as a Department of Defense functional center, except by an Act of Congress.

(4) LOCATION.—The location of a Department of Defense Functional Center for Security Studies in Irregular Warfare established under paragraph (1) shall be selected based on an objective, criteria-driven administrative or competitive award process, in accordance with which the merits of locating such functional center in Tempe, Arizona, may be evaluated together with other suitable locations.

Subtitle B—Matters Relating to Afghanistan and Pakistan

SEC. 1211. EXTENSION AND MODIFICATION OF AUTHORITY FOR REIMBURSEMENT OF CERTAIN COALITION NATIONS FOR SUPPORT PROVIDED TO UNITED STATES MILITARY OPERATIONS.

(a) EXTENSION.—Subsection (a) of section 1233 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 393), as most recently amended by section 1217 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), is further amended by striking ''beginning on October 1, 2019, and ending on December 31, 2020'' and inserting ''beginning on October 1, 2020, and ending on December 31, 2021''.

(b) MODIFICATION TO LIMITATION.—Subsection (d)(1) of such section is amended—

(1) by striking ''beginning on October 1, 2019, and ending on December 31, 2020'' and inserting ''beginning on October 1, 2020, and ending on December 31, 2021''; and

(2) by striking ''$450,000,000'' and inserting ''$180,000,000''.

SEC. 1212. EXTENSION AND MODIFICATION OF COMMANDERS' EMERGENCY RESPONSE PROGRAM.

Section 1201 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1619), as most recently amended by section 1208(a) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), is further amended—

(1) in subsection (a)—

(A) by striking ''December 31, 2020'' and inserting ''December 31, 2021''; and

(B) by striking ''$2,500,000'' and inserting ''$2,000,000'';

(2) in subsection (b), by striking the subsection designation and heading and all that follows through the period at the end of paragraph (1) and inserting the following:

''(b) QUARTERLY REPORTS.—

''(1) IN GENERAL.—Beginning in fiscal year 2021, not later than 45 days after the end of each quarter fiscal year, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter fiscal year that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the program under subsection (a).''; and

(3) in subsection (f), by striking ''December 31, 2020'' and inserting ''December 31, 2021''.

SEC. 1213. EXTENSION AND MODIFICATION OF SUPPORT FOR RECONCILIATION ACTIVITIES LED BY THE GOVERNMENT OF AFGHANISTAN.

(a) MODIFICATION OF AUTHORITY TO PROVIDE COVERED SUPPORT.—Subsection (a) of section 1218 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended—

(1) by striking the subsection designation and heading and all that follows through ''The Secretary of Defense'' and inserting the following:

''(a) AUTHORITY TO PROVIDE COVERED SUPPORT.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary of Defense''; and

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

''(2) LIMITATION ON USE OF FUNDS.—Amounts authorized to be appropriated or otherwise made available for the Department of Defense by this Act may not be obligated or expended to provide covered support until the date on which the Secretary of Defense submits to the appropriate committees of Congress the report required by subsection (b).''.

(b) PARTICIPATION IN RECONCILIATION ACTIVITIES.—Such section is further amended—

(1) by redesignating subsections (i) through (k) as subsections (j) through (l), respectively;

(2) by inserting after subsection (h) the following new subsection (i):

''(i) PARTICIPATION IN RECONCILIATION ACTIVITIES.—Covered support may only be used to support a reconciliation activity that—

''(1) includes the participation of members of the Government of Afghanistan; and

''(2) does not restrict the participation of women.''.

(c) EXTENSION.—Subsection (k) of such section, as so redesignated, is amended by striking ''December 31, 2020'' and inserting ''December 31, 2021''.

(d) EXCLUSIONS FROM COVERED SUPPORT.—Such section is further amended in paragraph (2)(B) of subsection (l), as so redesignated—

(1) in clause (ii), by inserting '', reimbursement for travel or lodging, and stipends or per diem payments'' before the period at the end; and

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

''(iii) Any activity involving one or more members of an organization designated as a foreign terrorist organization pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) or an individual designated as a specially designated global terrorist pursuant to Executive Order 13224 (50 U.S.C. 1701 note; relating to blocking property and prohibiting transactions with persons who commit, threaten to commit, or support terrorism).''.

SEC. 1214. 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 the special immigrant visa program is essential to ensuring—

(A) the continued service and safety of such allies; and

(B) the willingness of other like-minded individuals to provide similar services in any future contingency;

(5) the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note) states that all Government-controlled processing of applications for special immigrant visas under that Act ''should be completed not later than 9 months after the date on which an eligible alien submits all required materials to complete an application for such visa'';

(6) any backlog in processing special immigrant visa applications should be addressed as quickly as possible so as to honor the United States commitment to Afghan allies as soon as possible;

(7) failure to process such applications in an expeditious manner puts lives at risk and jeopardizes a critical element of support to United States operations in Afghanistan; and

(8) to prevent harm to the operations of the United States Government in Afghanistan, additional visas should be made available to principal aliens who are eligible for special immigrant status under that Act.

SEC. 1215. SENSE OF SENATE AND REPORT ON UNITED STATES PRESENCE IN AFGHANISTAN.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the United States and our coalition partners have made progress in the fight against al-Qaeda and ISIS in Afghanistan; however, both groups—

(A) maintain an ability to operate in Afghanistan;

(B) seek to undermine stability in the region; and

(C) threaten the security of Afghanistan, the United States, and the allies of the United States;

(2) the South Asia strategy correctly emphasizes the importance of a conditions-based United States presence in Afghanistan; therefore, any decision to withdraw the Armed Forces of the United States from Afghanistan should be done in an orderly manner in response to conditions on the ground, and in coordination with the Government of Afghanistan and United States allies and partners in the Resolute Support mission, rather than arbitrary timelines;

(3) a precipitous withdrawal of the Armed Forces of the United States and United States diplomatic and intelligence personnel from Afghanistan without effective, countervailing efforts to secure gains in Afghanistan may allow violent extremist groups to regenerate, threatening the security of the Afghan people and creating a security vacuum that could destabilize the region and provide ample safe haven for extremist groups seeking to conduct external attacks;

(4) ongoing diplomatic efforts to secure a peaceful, negotiated solution to the conflict in Afghanistan are the best path forward for establishing long-term stability and eliminating the threat posed by extremist groups in Afghanistan;

(5) the United States supports international diplomatic efforts to facilitate peaceful, negotiated resolution to the ongoing conflict in Afghanistan on terms that respect the rights of innocent civilians and deny safe havens to terrorists; and

(6) as part of such diplomatic efforts, and as a condition to be met prior to withdrawal, the United States should seek to secure the release of any United States citizens being held against their will in Afghanistan.

(b) REPORT.—

(1) IN GENERAL.—Not later than September 1, 2020, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representative a report that includes—

(A) an assessment of—

(i) the external threat posed by extremist groups operating in Afghanistan to the United States homeland and the homelands of United States allies;

(ii) the impact of cessation of United States counterterrorism activities on the size, strength, and external aims of such groups; and

(iii) the international financial support the Afghan National Defense and Security Forces requires in order to maintain current operational capabilities, including force cohesion and combat effectiveness;

(B) a plan for the orderly transition of all security-related tasks currently undertaken by the Armed Forces of the United States in support of the Afghan National Defense and Security Forces to Afghanistan, including—

(i) precision targeting of Afghanistan-based terrorists;

(ii) combat-enabler support, such as artillery and aviation assets; and

(iii) noncombat-enabler support, such as intelligence, surveillance and reconnaissance, medical evacuation, and contractor logistic support; and

(C) an update on the status of any United States citizens detained in Afghanistan, and an overview of Administration efforts to secure their release.

(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

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

SEC. 1221. EXTENSION OF AUTHORITY AND LIMITATION ON USE OF FUNDS TO PROVIDE ASSISTANCE TO COUNTER THE ISLAMIC STATE OF IRAQ AND SYRIA.

(a) EXTENSION.—Subsection (a) of section 1236 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3558), as most recently amended by section 1233(a) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 2039), is further amended, in the matter preceding paragraph (1), by striking ''December 31, 2020'' and inserting ''December 31, 2021''.

(b) FUNDING.—Subsection (g) of such section 1236, as most recently amended by section 1221 of the National Defense Authorization Act for Fiscal year 2020 (Public Law 116–92), is amended to read as follows:

''(g) FUNDING.—

''(1) IN GENERAL.—Of the amounts authorized to be appropriated for the Department of Defense for Overseas Contingency Operations for fiscal year 2021, not more than $322,500,000 may be used to carry out this section.

''(2) LIMITATION AND REPORT.—

''(A) IN GENERAL.—Of the funds authorized to be appropriated under paragraph (1), not more than 25 percent may be obligated or expended until the date on which the Secretary of Defense submits to the appropriate congressional committees a report that includes the following:

''(i) An explanation of the manner in which such support aligns with the objectives contained in the national defense strategy.

''(ii) A description of the manner in which such support is synchronized with larger whole-of-government funding efforts to strengthen the bilateral relationship between the United States and Iraq.

''(iii) A description of—

''(I) actions taken by the Government of Iraq to assert control over popular mobilization forces; and

''(II) the role of popular mobilization forces in the national security apparatus of Iraq.

''(iv) A plan to fully transition security assistance for the Iraqi Security Forces from the Counter-Islamic State of Iraq and Syria Train and Equip Fund to standing security assistance authorities managed by the Defense Security Cooperation Agency and the Department of State by not later than September 30, 2022.

''(B) FORM.—The report under subparagraph (A) shall be submitted in unclassified form but may include a classified annex.''.

SEC. 1222. EXTENSION AND MODIFICATION OF AUTHORITY TO PROVIDE ASSISTANCE TO VETTED SYRIAN GROUPS AND INDIVIDUALS.

Section 1209 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 127 Stat. 3541), as most recently amended by section 1222(a) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), is further amended—

(1) in the section heading, by striking ''**THE VETTED SYRIAN OPPOSITION**'' and inserting ''**VETTED SYRIAN GROUPS AND INDIVIDUALS**'';

(2) in subsection (a), in the matter preceding paragraph (1), by striking ''December 31, 2020'' and inserting ''December 31, 2021'';

(3) by striking subsections (b) and (c);

(4) by redesignating subsections (d) through (m) as subsections (b) through (k), respectively; and

(5) in paragraph (2) of subsection (b), as so redesignated—

(A) in subparagraph (J)(iii), by redesignating subclause (I) as subparagraph (M) and moving the subparagraph four ems to the left;

(B) by redesignating subparagraphs (A) through (F) and (G) through (J) as subparagraphs (B) through (G) and (I) through (L), respectively;

(C) by inserting before subparagraph (B), as so redesignated, the following new subparagraph (A):

''(A) An accounting of the obligation and expenditure of authorized funding for the current and preceding fiscal year.'';

(D) by inserting after subparagraph (G), as so redesignated, the following new subparagraph (H):

''(H) The mechanisms and procedures that will be used to monitor and report to the appropriate congressional committees and leadership of the Senate and House of Representatives any unauthorized end-use of provided training and equipment or other violations of relevant law by appropriately vetted recipients.''; and

(E) by adding at the end the following new subparagraph:

''(N) Any other matter the Secretary considers appropriate.''.

SEC. 1223. EXTENSION AND MODIFICATION OF AUTHORITY TO SUPPORT OPERATIONS AND ACTIVITIES OF THE OFFICE OF SECURITY COOPERATION IN IRAQ.

(a) LIMITATION ON AMOUNT.—Subsection (c) of section 1215 of the National Defense Authorization Act for Fiscal Year 2015 (10 U.S.C. 113 note) is amended—

(1) by striking ''fiscal year 2020'' and inserting ''fiscal year 2021''; and

(2) by striking ''$30,000,000'' and inserting ''$15,000,000''.

(b) SOURCE OF FUNDS.—Subsection (d) of such section is amended by striking ''fiscal year 2020'' and inserting ''fiscal year 2021''.

(c) ADDITIONAL AUTHORITY.—Subsection (f) of such section is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking ''fiscal year 2019'' and inserting ''fiscal year 2021''; and

(2) in paragraph (3), by striking ''the National Defense Authorization Act for Fiscal Year 2020'' and inserting ''the National Defense Authorization Act for Fiscal Year 2021''.

(d) REPORT.—Subsection (g)(1) of such section is amended by striking ''September 30, 2020'' and inserting ''March 1, 2021''.

(e) LIMITATION ON AVAILABILITY OF FUNDS.—Subsection (h) of such section is amended—

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

(A) by striking ''fiscal year 2020'' and inserting ''fiscal year 2021''; and

(B) by striking ''$20,000,000'' and inserting ''$10,000,000'';

(2) by striking paragraph (1);

(3) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(4) in paragraph (1), as so redesignated, by striking ''The development of a staffing plan'' and inserting ''A progress report with respect to the development of a staffing plan''; and

(5) in paragraph (2), as so redesignated, by striking ''The initiation'' and inserting ''A progress report with respect to the initiation''.

Subtitle D—Matters Relating to Europe and the Russian Federation

SEC. 1231. EXTENSION OF LIMITATION ON MILITARY COOPERATION BETWEEN THE UNITED STATES AND THE RUSSIAN FEDERATION.

Section 1232(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2488), as most recently amended by section 1231 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), is further amended in the matter preceding paragraph (1), by striking '', 2019, or 2020'' and inserting ''2019, 2020, or 2021''.

SEC. 1232. 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 for fiscal year 2021 for the Department of Defense may be obligated or expended to, and the Department may not, 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. 1233. MODIFICATION AND EXTENSION OF UKRAINE SECURITY ASSISTANCE INITIATIVE.

Section 1250 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1068), as most recently amended by section 1244 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), is further amended—

(1) in subsection (c)—

(A) in paragraph (2)(B)—

(i) in clause (iv), by striking ''; and'' and inserting a semicolon;

(ii) in clause (v), by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

''(vi) transformation of command and control structures and roles in line with North Atlantic Treaty Organization principles; and

''(vii) improvement of human resources management, including to support career management reforms, enhanced social support to military personnel and their families, and professional military education systems.''; and

(B) by amending paragraph (5) to read as follows:

''(5) LETHAL ASSISTANCE.—Of the funds available for fiscal year 2021 pursuant to subsection (f)(6), $125,000,000 shall be available only for lethal assistance described in paragraphs (2), (3), (11), (12), (13), and (14) of subsection (b).'';

(2) in subsection (f), by adding at the end the following new paragraph:

''(6) For fiscal year 2021, $250,000,000.''; and

(3) in subsection (h), by striking ''December 31, 2022'' and inserting ''December 31, 2024''.

SEC. 1234. REPORT ON CAPABILITY AND CAPACITY REQUIREMENTS OF MILITARY FORCES OF UKRAINE AND RESOURCE PLAN FOR SECURITY ASSISTANCE.

(a) 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 appropriate committees of Congress a report on the capability and capacity requirements of the military forces of Ukraine, which shall include the following:

(1) An analysis of the capability gaps and capacity shortfalls of the military forces of Ukraine that includes—

(A) an assessment of the requirements of the navy of Ukraine to accomplish its assigned missions; and

(B) an assessment of the requirements of the air force of Ukraine to accomplish its assigned missions.

(2) An assessment of the relative priority assigned by the Government of Ukraine to addressing such capability gaps and capacity shortfalls.

(3) An assessment of the capability gaps and capacity shortfalls that—

(A) could be addressed in a sufficient and timely manner by unilateral efforts of the Government of Ukraine; and

(B) are unlikely to be addressed in a sufficient and timely manner solely through unilateral efforts.

(4) An assessment of the capability gaps and capacity shortfalls described in paragraph (3)(B) that could be addressed in a sufficient and timely manner by—

(A) the Ukraine Security Assistance Initiative of the Department of Defense;

(B) Department of Defense security assistance authorized by section 333 of title 10, United States Code;

(C) the Foreign Military Financing and Foreign Military Sales programs of the Department of State; or

(D) the provision of excess defense articles.

(5) An assessment of the human resources requirements of the Office of Defense Cooperation at the United States Embassy in Kyiv and any gaps in the capacity of such Office of Defense Cooperation to provide security assistance to Ukraine.

(6) Any recommendations the Secretary of Defense and the Secretary of State consider appropriate concerning the coordination of security assistance efforts of the Department of Defense and the Department of State with respect to Ukraine.

(b) RESOURCE PLAN.—Not later than February 15, 2022, the Secretary of Defense and the Secretary of State shall jointly submit to the appropriate committees of Congress a resource plan for United States security assistance with respect to Ukraine, which shall include the following:

(1) A plan to resource the following initiatives and programs with respect to Ukraine in fiscal year 2023 and the four succeeding fiscal years to meet the most critical capability gaps and capacity shortfalls of the military forces of Ukraine:

(A) The Ukraine Security Assistance Initiative of the Department of Defense.

(B) Department of Defense security assistance authorized by section 333 of title 10, United States Code.

(C) The Foreign Military Financing and Foreign Military Sales programs of the Department of State.

(D) The provision of excess defense articles.

(2) With respect to the navy of Ukraine, the following:

(A) A capability development plan, with milestones, detailing the manner in which the United States will assist the Government of Ukraine in meeting the requirements referred to in subsection (a)(1)(A).

(B) A plan for United States cooperation with third countries and international organizations that have the resources and ability to provide immediate assistance to the navy of Ukraine while maintaining interoperability with United States platforms to the extent feasible.

(C) A plan to prioritize the provision of excess defense articles for the navy of Ukraine to the extent practicable during fiscal year 2023 and the four succeeding fiscal years.

(D) An assessment of the manner in which United States security assistance to the navy of Ukraine is in the national security interests of the United States.

(3) With respect to the air force of Ukraine, the following:

(A) A capability development plan, with milestones, detailing the manner in which the United States will assist the Government of Ukraine in meeting the requirements referred to in subsection (a)(1)(B).

(B) A plan for United States cooperation with third countries and international organizations that have the resources and ability to provide immediate assistance to the air force of Ukraine while maintaining interoperability with United States platforms to the extent feasible.

(C) A plan to prioritize the provision of excess defense articles for the air force of Ukraine to the extent practicable during fiscal year 2023 and the four succeeding fiscal years.

(D) An assessment of the manner in which United States security assistance to the air force of Ukraine is in the national security interests of the United States.

(4) An assessment of progress on defense institutional reforms in Ukraine, including with respect to the navy and air force of Ukraine, during fiscal year 2023 and the four succeeding fiscal years that will be essential for—

(A) enabling effective use and sustainment of capabilities developed under security assistance authorities described in this section;

(B) enhancing the defense of the sovereignty and territorial integrity of Ukraine;

(C) achieving the stated goal of the Government of Ukraine of meeting North Atlantic Treaty Organization standards; and

(D) allowing Ukraine to achieve its full potential as a strategic partner of the United States.

(c) FORM.—The report required by subsection (a) and the resource plan required by subsection (b) shall each be submitted in a classified form with an unclassified 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, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

SEC. 1235. SENSE OF SENATE ON NORTH ATLANTIC TREATY ORGANIZATION ENHANCED OPPORTUNITIES PARTNER STATUS FOR UKRAINE.

It is the sense of the Senate that—

(1) the United States should support the designation of Ukraine as an enhanced opportunities partner as part of the Partnership Interoperability Initiative of the North Atlantic Treaty Organization;

(2) the participation of Ukraine in the enhanced opportunities partner program is in the shared security interests of Ukraine, the United States, and the North Atlantic Treaty Organization alliance;

(3) the unique experience, capabilities, and technical expertise of Ukraine, especially with respect to hybrid warfare, cybersecurity, and foreign disinformation, would enable Ukraine to make a positive contribution to the North Atlantic Treaty Organization alliance through participation in the enhanced opportunities partner program;

(4) while not a replacement for North Atlantic Treaty Organization membership, participation in the enhanced opportunities partner program would have significant benefits for the security of Ukraine, including—

(A) more regular consultations on security matters;

(B) enhanced access to interoperability programs and exercises;

(C) expanded information sharing; and

(D) improved coordination of crisis preparedness and response; and

(5) progress on defense institutional reforms in Ukraine, including defense institutional reforms intended to align the military forces of Ukraine with North Atlantic Treaty Organization standards, remains essential for—

(A) a more effective defense of the sovereignty and territorial integrity of Ukraine;

(B) allowing Ukraine to achieve its full potential as a strategic partner of the United States; and

(C) increased cooperation between Ukraine and the North Atlantic Treaty Organization.

SEC. 1236. 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), as most recently amended by section 1247 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is further amended—

(1) in the first sentence, by striking ''December 31, 2021'' and inserting ''December 31, 2023''; and

(2) in the second sentence, by striking ''the period beginning on October 1, 2015, and ending on December 31, 2021'' and inserting ''the period beginning on October 1, 2015, and ending on December 31, 2023''.

SEC. 1237. SENSE OF SENATE ON KOSOVO AND THE ROLE OF THE KOSOVO FORCE OF THE NORTH ATLANTIC TREATY ORGANIZATION.

It is the sense of the Senate that—

(1) normalization of relations between Kosovo and Serbia is in the interest of both countries and would enhance security and stability in the Western Balkans;

(2) the United States should continue to support the diplomatic efforts of Kosovo and Serbia to reach a historic agreement to normalize relations between the two countries;

(3) mutual recognition should be a central element of normalization of relations between Kosovo and Serbia;

(4) both Kosovo and Serbia should refrain from actions that would make an agreement more difficult to achieve;

(5) the Kosovo Force of the North Atlantic Treaty Organization continues to play an indispensable role in maintaining security and stability, which are the essential predicates for the success of the diplomatic efforts of Kosovo and Serbia to achieve normalization of relations;

(6) the participation of the United States Armed Forces in the Kosovo Force is foundational to the credibility and success of mission of the Kosovo Force;

(7) with the North Atlantic Treaty Organization allies and other European partners contributing over 80 percent of the troops for the mission, the Kosovo Force represents a positive example of burden sharing;

(8) together with the allies and partners of the United States, the United States should—

(A) maintain its commitment to the Kosovo Force; and

(B) take all appropriate steps to ensure that the Kosovo Force has the necessary personnel, capabilities, and resources to perform its critical mission; and

(9) the United States should continue to support the gradual transition of the Kosovo Security Force to a multi-ethnic army for the Republic of Kosovo that is interoperable with North Atlantic Treaty Organization members through an inclusive and transparent process that—

(A) respects the rights and concerns of all citizens of Kosovo;

(B) promotes regional security and stability; and

(C) supports the aspirations of Kosovo for eventual full membership in the North Atlantic Treaty Organization.

SEC. 1238. SENSE OF SENATE ON STRATEGIC COMPETITION WITH THE RUSSIAN FEDERATION AND RELATED ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

It is the sense of the Senate that—

(1) the 2018 National Defense Strategy affirms the re-emergence of long-term strategic competition with the Russian Federation as a principal priority for the Department of Defense that requires sustained investment due to the magnitude of the threat posed to United States security, prosperity, and alliances and partnerships;

(2) given the continued military modernization of the Russian Federation, including the development of long-range strike systems and other advanced capabilities, the United States should prioritize efforts within the North Atlantic Treaty Organization to implement timely measures to ensure that the deterrence and defense posture of the North Atlantic Treaty Organization remains credible and effective;

(3) the United States should reaffirm support for the open-door policy of the North Atlantic Treaty Organization;

(4) to enhance deterrence against aggression by the Russian Federation, the Department of Defense should—

(A) continue—

(i) to prioritize funding for the European Deterrence Initiative to address capability gaps, capacity shortfalls, and infrastructure requirements of the Joint Force in Europe;

(ii) to increase pre-positioned stocks of equipment in Europe; and

(iii) rotational deployments of United States forces to Romania and Bulgaria while pursuing training opportunities at military locations such as Camp Mihail Kogalniceanu in Romania and Novo Selo Training Area in Bulgaria;

(B) increase—

(i) focus and resources to address the changing military balance in the Black Sea region;

(ii) the frequency, scale, and scope of North Atlantic Treaty Organization and other multilateral exercises in the Black Sea region, including with the participation of Ukraine and Georgia; and

(iii) presence and activities in the Arctic, including special operations training and naval operations and training;

(C) maintain robust naval presence at Souda Bay, Greece, and pursue opportunities for increased United States presence at other locations in Greece;

(D) enhance military-to-military engagement among Western Balkan countries to promote interoperability with the North Atlantic Treaty Organization and regional security cooperation; and

(E) expand information sharing, improve planning coordination, and increase the frequency, scale, and scope of exercises with Sweden and Finland to deepen interoperability; and

(5) to counter Russian Federation activities short of armed conflict, the Department of Defense should—

(A) integrate with United States interagency efforts to employ all elements of national power to counter Russian Federation hybrid warfare; and

(B) bolster the capabilities of allies and partners to counteract Russian Federation coercion, including through expanded cyber cooperation and enhanced resilience against disinformation and malign influence.

SEC. 1239. REPORT ON RUSSIAN FEDERATION SUPPORT OF RACIALLY AND ETHNICALLY MOTIVATED VIOLENT EXTREMISTS.

(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 head of any other relevant Federal department or agency, shall submit to the appropriate committees of Congress a report on Russian Federation support of racially and ethnically motivated violent extremist groups and networks in Europe and the United States, including such support provided by agents and entities of the Russian Federation acting at the direction or for the benefit of the Government of the Russian Federation.

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

(1) A list of each racially or ethnically motivated violent extremist group or network in Europe or the United States known to meet, or suspected of meeting, the following criteria:

(A) The group or network has been targeted or recruited by the security services of the Russian Federation.

(B) The group or network has received support (including training, disinformation or amplification on social media platforms, financial support, and any other support) from the Russian Federation or an agent or entity of the Russian Federation acting at the direction or for the benefit of the Government of the Russian Federation.

(C) The group—

(i) has leadership or a base of operations located within the Russian Federation; and

(ii) operates or maintains a chapter or network of the group in Europe or the United States.

(2) An assessment of the manner in which Russian Federation support of such groups or networks aligns with the strategic interests

of the Russian Federation with respect to Europe and the United States.

(3) An assessment of the role of such groups or networks in—

(A) assisting Russian Federation-backed separatist forces in the Donbas region of Ukraine; or

(B) destabilizing security on the Crimean peninsula of Ukraine.

(4) An assessment of the manner in which Russian Federation support of such groups or networks has—

(A) contributed to the destabilization of security in the Balkans; and

(B) threatened the support for the North Atlantic Treaty Organization in Southeastern Europe.

(5) A description of any relationship or affiliation between such groups or networks and ultranationalist or extremist political parties in Europe and the United States, and an assessment of the manner in which the Russian Federation may use such a relationship or affiliation to advance the strategic interests of the Russian Federation.

(6) A description of the use by the Russian Federation of social media platforms to support or amplify the presence or messaging of such groups or networks, and an assessment of any effort in Europe or the United States to counter such support or amplification.

(7) A description of the legal and political implications of the designation of the Russian Imperial Movement, and members of the leadership of the Russian Imperial Movement, as specially designated global terrorists pursuant to Executive Order 13224 (50 U.S.C. 1701 note; relating to blocking property and prohibiting transactions with persons who commit, threaten to commit, or support terrorism) and the response of the Government of the Russian Federation to such designation.

(8) Recommendations of the Secretary of Defense, consistent with a whole-of-government approach to countering Russian Federation information warfare and malign influence operations—

(A) to mitigate the security threat posed by such groups or networks; and

(B) to reduce or counter Russian Federation support for such groups or networks.

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

(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, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1240. PARTICIPATION IN EUROPEAN PROGRAM ON MULTILATERAL EXCHANGE OF SURFACE TRANSPORTATION SERVICES.

(a) IN GENERAL.—Subchapter II of chapter 138 of title 10, United States Code, is amended by inserting after subsection (l) the following new section 2350m:

''§ 2350m. Participation in European program on multilateral exchange of surface transportation services

''(a) PARTICIPATION AUTHORIZED.—

''(1) IN GENERAL.—The Secretary of Defense, with the concurrence of the Secretary of State, may authorize the participation of the Department of Defense in the Surface Exchange of Services program (in this section referred to as the 'SEOS program') of the Movement Coordination Centre Europe.

''(2) SCOPE OF PARTICIPATION.—Participation of the Department of Defense in the SEOS program under paragraph (1) may include—

''(A) the reciprocal exchange or transfer of surface transportation on a reimbursable basis or by replacement-in-kind; and

''(B) the exchange of surface transportation services of an equal value.

''(b) WRITTEN ARRANGEMENT OR AGREEMENT.—

''(1) IN GENERAL.—Participation of the Department of Defense in the SEOS program shall be in accordance with a written arrangement or agreement entered into by the Secretary of Defense, with the concurrence of the Secretary of State, and the Movement Coordination Centre Europe.

''(2) NOTIFICATION.—The Secretary of Defense shall provide to the congressional defense committees notification of any arrangement or agreement entered into under paragraph (1).

''(3) FUNDING ARRANGEMENTS.—If Department of Defense facilities, equipment, or funds are used to support the SEOS program, the written arrangement or agreement under paragraph (1) shall specify the details of any equitable cost-sharing or other funding arrangement.

''(4) OTHER ELEMENTS.—Any written arrangement or agreement entered into under paragraph (1) shall require that any accrued credits or liability resulting from an unequal exchange or transfer of surface transportation services shall be liquidated through the SEOS program not less than once every five years.

''(c) IMPLEMENTATION.—In carrying out any arrangement or agreement entered into under subsection (b), the Secretary of Defense may—

''(1) pay the equitable share of the Department of Defense for the operating expenses of the Movement Coordination Centre Europe and the SEOS program from funds available to the Department of Defense for operation and maintenance; and

''(2) assign members of the armed forces or Department of Defense civilian personnel, within billets authorized for the United States European Command, to duty at the Movement Coordination Centre Europe as necessary to fulfill Department of Defense obligations under that arrangement or agreement.

''(d) CREDITING OF RECEIPTS.—Any amount received by the Department of Defense as part of the SEOS program shall be credited, at the option of the Secretary of Defense, to—

''(1) the appropriation, fund, or account used in incurring the obligation for which such amount is received; or

''(2) an appropriate appropriation, fund, or account currently available for the purposes for which the expenditures were made.

''(e) ANNUAL REPORT.—

''(1) IN GENERAL.—Not later than 30 days after the end of each fiscal year in which the authority under this section is in effect, the Secretary of Defense shall submit to the congressional defense committees a report on Department of Defense participation in the SEOS program during such fiscal year.

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

''(A) A description of the equitable share of the costs and activities of the SEOS program paid by the Department of Defense.

''(B) A description of any amount received by the Department of Defense as part of such program, including the country from which the amount was received.

''(f) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed to authorize the use of foreign sealift in violation of section 2631.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 23501 the following new item:

''2350m. Participation in European program on multilateral exchange of surface transportation services.''.

SEC. 1241. PARTICIPATION IN PROGRAMS RELATING TO COORDINATION OR EXCHANGE OF AIR REFUELING AND AIR TRANSPORTATION SERVICES.

(a) IN GENERAL.—Subchapter II of chapter 138 of title 10, United States Code, as amended by section 1240(a), is further amended by adding at the end the following new section:

''§ 2350o. Participation in programs relating to coordination or exchange of air refueling and air transportation services

''(a) PARTICIPATION AUTHORIZED.—

''(1) IN GENERAL.—The Secretary of Defense, with the concurrence of the Secretary of State, may authorize the participation of the Department of Defense in programs relating to the coordination or exchange of air refueling and air transportation services, including in the arrangement known as the Air Transport and Air-to-Air Refueling and other Exchanges of Services program (in this section referred to as the 'ATARES program').

''(2) SCOPE OF PARTICIPATION.—Participation of the Department of Defense in programs referred to in paragraph (1) may include—

''(A) the reciprocal exchange or transfer of air refueling and air transportation services on a reimbursable basis or by replacement-in-kind; and

''(B) the exchange of air refueling and air transportation services of an equal value.

''(3) LIMITATIONS WITH RESPECT TO PARTICIPATION IN ATARES PROGRAM.—

''(A) IN GENERAL.—The Department of Defense balance of executed flight hours in participation in the ATARES program under paragraph (1), whether as credits or debits, may not exceed a total of 500 hours.

''(B) AIR REFUELING.—The Department of Defense balance of executed flight hours for air refueling in participation in the ATARES program under paragraph (1) may not exceed 200 hours.

''(b) WRITTEN ARRANGEMENT OR AGREEMENT.—Participation of the Department of Defense in a program referred to in subsection (a)(1) shall be in accordance with a written arrangement or agreement entered into by the Secretary of Defense, with the concurrence of the Secretary of State.

''(c) IMPLEMENTATION.—In carrying out any arrangement or agreement entered into under subsection (b), the Secretary of Defense may—

''(1) pay the equitable share of the Department of Defense for the recurring and nonrecurring costs of the applicable program referred to in subsection (a)(1) from funds available to the Department for operation and maintenance; and

''(2) assign members of the armed forces or Department of Defense civilian personnel to fulfill Department obligations under that arrangement or agreement.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter, as amended by section 1240(b), is further amended by adding at the end the following new item:

''2350o. Participation in programs relating to coordination or exchange of air refueling and air transportation services.''.

(c) REPEAL.—Section 1276 of the National Defense Authorization Act for Fiscal Year 2013 (10 U.S.C. 2350c note) is repealed.

Subtitle E—Matters Relating to the Indo-Pacific Region

SEC. 1251. PACIFIC DETERRENCE INITIATIVE.

(a) IN GENERAL.—The Secretary of Defense shall carry out an initiative to ensure the effective implementation of the National Defense Strategy with respect to the Indo-Pacific region, to be known as the ''Pacific Deterrence Initiative'' (in this section referred to as the ''Initiative'').

(b) PURPOSE.—The purpose of the Initiative is to carry out only the following activities:

(1) Activities to increase the lethality of the joint force in the Indo-Pacific region, including, but not limited to—

(A) by improving active and passive defenses against theater cruise, ballistic, and hypersonic missiles for bases, operating locations, and other critical infrastructure at locations west of the International Date Line; and

(B) procurement and fielding of—

(i) long-range precision strike systems to be stationed or pre-positioned west of the International Date Line;

(ii) critical munitions to be pre-positioned at locations west of the International Date Line; and

(iii) command, control, communications, computers and intelligence, surveillance, and reconnaissance systems intended for stationing or operational use in the Indo-Pacific region.

(2) Activities to enhance the design and posture of the joint force in the Indo-Pacific region, including, but not limited to, by—

(A) transitioning from large, centralized, and unhardened infrastructure to smaller, dispersed, resilient, and adaptive basing at locations west of the International Date Line;

(B) increasing the number and capabilities of expeditionary airfields and ports in the Indo-Pacific region available for operational use at locations west of the International Date Line;

(C) enhancing pre-positioned forward stocks of fuel, munitions, equipment, and materiel at locations west of the International Date Line;

(D) increasing the availability of strategic mobility assets in the Indo-Pacific region;

(E) improving distributed logistics and maintenance capabilities in the Indo-Pacific region to ensure logistics sustainment while under persistent multidomain attack; and

(F) increasing the presence of the Armed Forces at locations west of the International Date Line.

(3) Activities to strengthen alliances and partnerships, including, but not limited to, by—

(A) building capacity of allies and partners; and

(B) improving—

(i) interoperability and information sharing with allies and partners; and

(ii) information operations capabilities in the Indo-Pacific region, with a focus on reinforcing United States commitment to allies and partners and countering malign influence.

(4) Activities to carry out a program of exercises, experimentation, and innovation for the joint force in the Indo-Pacific region.

(c) PLAN REQUIRED.—Not later than February 15, 2021, the Secretary, in consultation with the Commander of the United States Indo-Pacific Command, shall submit to the congressional defense committees a plan to expend not less than the amounts authorized to be appropriated under subsection (e)(2).

(d) BUDGET DISPLAY INFORMATION.—The Secretary shall include in the materials of the Department of Defense in support of the budget of the President (submitted to Congress pursuant to section 1105 of title 31, United States Code) for fiscal year 2022 and each fiscal year thereafter a detailed budget display for the Initiative that includes the following information:

(1) A future-years plan with respect to activities and resources for the Initiative for the applicable fiscal year and not fewer than the four following fiscal years.

(2) With respect to procurement accounts—

(A) amounts displayed by account, budget activity, line number, line item, and line item title; and

(B) a description of the requirements for such amounts specific to the Initiative.

(3) With respect to research, development, test, and evaluation accounts—

(A) amounts displayed by account, budget activity, line number, program element, and program element title; and

(B) a description of the requirements for such amounts specific to the Initiative.

(4) With respect to operation and maintenance accounts—

(A) amounts displayed by account title, budget activity title, line number, and subactivity group title; and

(B) a description of the specific manner in which such amounts will be used.

(5) With respect to military personnel accounts—

(A) amounts displayed by account, budget activity, budget subactivity, and budget subactivity title; and

(B) a description of the requirements for such amounts specific to the Initiative.

(6) With respect to each project under military construction accounts (including with respect to unspecified minor military construction and amounts for planning and design), the country, location, project title, and project amount by fiscal year.

(7) With respect to the activities described in subsection (b)—

(A) amounts displayed by account title, budget activity title, line number, and subactivity group title; and

(B) a description of the specific manner in which such amounts will be used.

(8) With respect to each military service—

(A) amounts displayed by account title, budget activity title, line number, and subactivity group title; and

(B) a description of the specific manner in which such amounts will be used.

(9) With respect to the amounts described in each of paragraphs (2)(A), (3)(A), (4)(A), (5)(A), (6), (7)(A), and (8)(A), a comparison between—

(A) the amount in the budget of the President for the following fiscal year; and

(B) the amount projected in the previous budget of the President for the following fiscal year.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out the activities of the Initiative described in subsection (b) the following:

(1) For fiscal year 2021, $1,406,417,000, as specified in the funding table in section 4502.

(2) For fiscal year 2022, $5,500,000,000.

(f) REPEAL.—Section 1251 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1676), as most recently amended by section 1253 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 2054), is repealed.

SEC. 1252. SENSE OF SENATE ON THE UNITED STATES-VIETNAM DEFENSE RELATIONSHIP.

In commemoration of the 25th anniversary of the normalization of diplomatic relations between the United States and Vietnam, the Senate—

(1) welcomes the historic progress and achievements in United States-Vietnam relations over the last 25 years;

(2) congratulates Vietnam on its chairmanship of the Association of Southeast Asian Nations and its election as a nonpermanent member of the United Nations Security Council, both of which symbolize the positive leadership role of Vietnam in regional and global affairs;

(3) commends the commitment of Vietnam to resolve international disputes through peaceful means on the basis of international law;

(4) affirms the commitment of the United States—

(A) to respect the independence and sovereignty of Vietnam; and

(B) to establish and promote friendly relations and work together on an equal footing for mutual benefit with Vietnam;

(5) encourages the United States and Vietnam to elevate their comprehensive partnership to a strategic partnership based on mutual understanding, shared interests, and a common desire to promote peace, cooperation, prosperity, and security in the Indo-Pacific region;

(6) affirms the commitment of the United States to continue to address war legacy issues, including through dioxin remediation, unexploded ordnance removal, accounting for prisoners of war and soldiers missing in action, and other activities; and

(7) supports deepening defense cooperation between the United States and Vietnam, including with respect to maritime security, cybersecurity, counterterrorism, information sharing, humanitarian assistance and disaster relief, military medicine, peacekeeping operations, defense trade, and other areas.

SEC. 1253. 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 2021 under the transfer 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.

(d) NOTICE ON EXERCISE OF AUTHORITY.—If the Secretary of Defense determines to use the transfer authority in subsection (a), the Secretary shall notify the congressional defense committee of that determination not later than 30 days before the Secretary uses the transfer authority.

SEC. 1254. COOPERATIVE PROGRAM WITH VIETNAM TO ACCOUNT FOR VIETNAMESE PERSONNEL MISSING IN ACTION.

(a) IN GENERAL.—The Secretary of Defense, in cooperation with other appropriate Federal departments and agencies, is authorized to carry out a cooperative program with the Ministry of Defense of Vietnam to assist in accounting for Vietnamese personnel missing in action.

(b) PURPOSE.—The purpose of the cooperative program under subsection (a) is to carry out the following activities:

(1) Collection, digitization, and sharing of archival information.

(2) Building the capacity of Vietnam to conduct archival research, investigations, and excavations.

(3) Improving DNA analysis capacity.

(4) Increasing veteran-to-veteran exchanges.

(5) Other support activities the Secretary considers necessary and appropriate.

SEC. 1255. PROVISION OF GOODS AND SERVICES AT KWAJALEIN ATOLL, REPUBLIC OF THE MARSHALL ISLANDS.

(a) IN GENERAL.—Chapter 767 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 7596. Provision of goods and services at Kwajalein Atoll

''(a) AUTHORITY.—(1) Except as provided in paragraph (2), the Secretary of the Army, with the concurrence of the Secretary of State, may provide goods and services, including interatoll transportation, to the Government of the Republic of the Marshall Islands and other eligible patrons, as determined by the Secretary of the Army, at Kwajalein Atoll.

''(2) The Secretary of the Army may not provide goods or services under this section if doing so would be inconsistent, as determined by the Secretary of State, with the Compact of Free Association between the Government of the United States and the Government of the Republic of the Marshall Islands or any subsidiary agreement or implementing arrangement.

''(b) REIMBURSEMENT.—(1) The Secretary of the Army may collect reimbursement from the Government of the Republic of the Marshall Islands and eligible patrons for the provision of goods or services under subsection (a).

''(2) The amount collected for goods or services under this subsection may not be greater than the total amount of actual costs to the United States for providing the goods or services.

''(c) NECESSARY EXPENSES.—Amounts appropriated to the Department of the Army may be used for necessary expenses associated with providing goods and services under this section.

''(d) REGULATIONS.—The Secretary of the Army shall issue regulations to carry out this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''7596. Provision of goods and services at Kwajalein Atoll.''.

(c) BRIEFING.—Not later than December 31, 2021, the Secretary of the Army shall provide to the congressional defense committees a briefing on the use of the authority under section 7596(a) of title 10, United States Code, as added by subsection (a), in fiscal year 2021, including a written summary describing the goods and services provided on a reimbursable basis and the goods and services provided on a nonreimbursable basis.

SEC. 1256. AUTHORITY TO ESTABLISH A MOVEMENT COORDINATION CENTER PACIFIC IN THE INDO-PACIFIC REGION AND PARTICIPATE IN AN AIR TRANSPORT AND AIR-TO-AIR REFUELING AND OTHER EXCHANGES OF SERVICES PROGRAM.

(a) IN GENERAL.—The Secretary of Defense, with the concurrence of the Secretary of State, may authorize—

(1) the establishment of a Movement Coordination Center Pacific (in this section referred to as the ''Center''); and

(2) participation of the Department of Defense in an Air Transport and Air-to-Air Refueling and other Exchanges of Services program (in this section referred to as the ''ATARES program'') of the Center.

(b) SCOPE OF PARTICIPATION.—Participation of the Department in the ATARES program shall be limited to—

(1) the reciprocal exchange or transfer of air transportation and air refueling services on a reimbursable basis or by replacement-in-kind; and

(2) the exchange of air transportation or air refueling services of equal value.

(c) LIMITATIONS.—

(1) TRANSPORTATION HOURS.—The Department balance of executed transportation hours in the ATARES program, whether as credits or debits, may not exceed 500 hours.

(2) FLIGHT HOURS.—The Department balance of executed flight hours for air refueling in the ATARES program may not exceed 200 hours.

(d) WRITTEN ARRANGEMENT OR AGREEMENT.—

(1) IN GENERAL.—Participation of the Department in the ATARES program shall be in accordance with a written arrangement or agreement entered into by the Secretary of Defense, with the concurrence of the Secretary of State.

(2) FUNDING ARRANGEMENTS.—If Department facilities, equipment, or funds are used to support the ATARES program, the written arrangement or agreement under paragraph (1) shall specify the details of any equitable cost-sharing or other funding arrangement.

(3) OTHER ELEMENTS.—Any written arrangement or agreement entered into under paragraph (1) shall require any accrued credit or liability resulting from an unequal exchange or transfer of air transportation or air refueling services to be liquidated through the ATARES program not less frequently than once every five years.

(e) IMPLEMENTATION.—In carrying out any written arrangement or agreement entered into under subsection (d), the Secretary of Defense may—

(1) pay the equitable share of the Department for the operating expenses of the Center and the ATARES program from funds available to the Department for operation and maintenance; and

(2) assign members of the Armed Forces or Department civilian personnel, within billets authorized for the United States Indo-Pacific Command, to duty at the Center as necessary to fulfill Department obligations under that arrangement or agreement.

SEC. 1257. TRAINING OF ALLY AND PARTNER AIR FORCES IN GUAM.

(a) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the memorandum of understanding agreed to by the United States and the Republic of Singapore on December 6, 2019, to establish a fighter jet training detachment in Guam should be commended;

(2) such agreement is a manifestation of the strong, enduring, and forward-looking partnership of the United States and the Republic of Singapore; and

(3) the permanent establishment of a fighter detachment in Guam will further enhance the interoperability of the air forces of the United States and the Republic of Singapore and provide training opportunities needed to maximize their readiness.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report assessing the merit and feasibility of entering into agreements similar to the memorandum of understanding referred to in subsection (a)(1) with other United States allies and partners in the Indo-Pacific region, including Japan, Australia, and India.

SEC. 1258. STATEMENT OF POLICY AND SENSE OF SENATE ON THE TAIWAN RELATIONS ACT.

(a) STATEMENT OF POLICY.—It is the policy of the United States—

(1) that the Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3301 et seq.) and the ''Six Assurances'' provided by the United States to Taiwan in July 1982 are the foundation for United States-Taiwan relations;

(2) that nothing in the Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3301 et seq.) constrains deepening, to the extent possible, the extensive, close, and friendly relations of the United States and Taiwan, including defense relations;

(3) that the Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3301 et seq.) shall be implemented and executed in a manner consistent with evolving political, security, and economic dynamics and circumstances;

(4) that, as set forth in the Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3301 et seq.), the United States expects the ''future of Taiwan will be determined by peaceful means,'' and that ''any effort to determine the future of Taiwan by other than peaceful means'' is ''a threat to the peace and security of the Western Pacific area and of grave concern to the United States'';

(5) that the increasingly coercive and aggressive behavior of the People's Republic of China towards Taiwan, including growing military maneuvers targeting Taiwan, is contrary to the expectation of the peaceful resolution of the future of Taiwan;

(6) that, as set forth in the Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3301 et seq.), the United States will support the development of capable, ready, and modern defense forces necessary for Taiwan to maintain a sufficient self-defense capability, including by—

(A) supporting acquisition by Taiwan of defense articles and services through foreign military sales, direct commercial sales, and industrial cooperation, with an emphasis on capabilities that support the asymmetric defense strategy of Taiwan, including antiship, coastal defense, antiarmor, air defense, undersea warfare, advanced command, control, communications, computers, intelligence, surveillance, and reconnaissance, and resilient command and control capabilities;

(B) ensuring timely review of and response to requests of Taiwan for defense articles and services;

(C) conducting practical training and military exercises with Taiwan, including, as appropriate, the Rim of the Pacific exercise, combined training at the National Training Center at Fort Erwin, and bilateral naval exercises and training;

(D) examining the potential for expanding professional military education and technical training opportunities in the United States for military personnel of Taiwan;

(E) pursuing a strategy of military engagement with Taiwan that fully integrates exchanges at the strategic, policy, and functional levels;

(F) increasing exchanges between senior defense officials and general officers of the United States and Taiwan consistent with the Taiwan Travel Act (Public Law 115–135; 132 Stat. 341), especially for the purpose of enhancing cooperation on defense planning and improving the interoperability of the military forces of the United States and Taiwan;

(G) conducting military exchanges with Taiwan specifically focused on improving the reserve force of Taiwan; and

(H) expanding cooperation in military medicine and humanitarian assistance and disaster relief, including through the participation of medical vessels of Taiwan in appropriate exercises with the United States; and

(7) that, as set forth in the Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3301 et seq.), the United States will maintain the capacity ''to resist any resort to force or other forms of coercion that would jeopardize the security, or the social or economic system, of the people on Taiwan'', including the capacity of the United States Armed Forces to deny a ''fait accompli'' operation by the People's Republic of China to rapidly seize control of Taiwan.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Secretary of Defense should—

(1) ensure that policy guidance to the Department of Defense related to United States-Taiwan defense relations is fully consistent with the statement of policy set forth in subsection (a); and

(2) issue new policy guidance required to carry out such policy.

SEC. 1259. SENSE OF CONGRESS ON PORT CALLS IN TAIWAN WITH THE *USNS COMFORT* AND THE *USNS MERCY*.

It is the sense of Congress that the Department of Defense should conduct port calls in Taiwan with the *USNS Comfort* and the *USNS Mercy*—

(1) to continue the collaboration between the United States and Taiwan on COVID–19 responses, which has included—

(A) research and development of tests, vaccines, and medicines; and

(B) donations of face masks;

(2) to further improve the cooperation between the United States and Taiwan on military medicine and humanitarian assistance and disaster relief;

(3) to allow United States personnel to benefit from the expertise of Taiwanese personnel, in light of the successful response of Taiwan to COVID–19; and

(4) to continue the mission of the *USNS Comfort* and the *USNS Mercy*, which have demonstrated the value of the Department capacity to deploy maritime medical capabilities worldwide and provide contingency capacity in the United States during significant crises.

SEC. 1260. LIMITATION ON USE OF FUNDS TO REDUCE TOTAL NUMBER OF MEMBERS OF THE ARMED FORCES SERVING ON ACTIVE DUTY WHO ARE DEPLOYED TO THE REPUBLIC OF KOREA.

None of the funds authorized to be appropriated by this Act may be obligated or expended to reduce the total number of members of the Armed Forces serving on active duty and deployed to the Republic of Korea to fewer than 28,500 such members of the Armed Forces until 90 days after the date on which the Secretary of Defense certifies to the congressional defense committees that—

(1) such a reduction—

(A) is in the national security interest of the United States; and

(B) will not significantly undermine the security of United States allies in the region; and

(2) the Secretary has appropriately consulted with allies of the United States, including the Republic of Korea and Japan, regarding such a reduction.

SEC. 1261. SENSE OF CONGRESS ON CO-DEVELOPMENT WITH JAPAN OF A LONG-RANGE GROUND-BASED ANTI-SHIP CRUISE MISSILE SYSTEM.

It is the sense of Congress that—

(1) the Department of Defense should prioritize consultations with the Ministry of Defense of Japan to determine whether a ground-based, long-range anti-ship cruise missile system would meet shared defense requirements of the United States and Japan; and

(2) if it is determined that a ground-based, long-range anti-ship cruise missile system would meet shared defense requirements, the United States and Japan should consider co-development of such a system.

Subtitle F—Reports

SEC. 1271. REVIEW OF AND REPORT ON OVERDUE ACQUISITION AND CROSS-SERVICING AGREEMENT TRANSACTIONS.

(a) REVIEW.—The Secretary of Defense, acting through the official designated to provide oversight of acquisition and cross-servicing agreements under section 2342(f) of title 10, United States Code, shall conduct a review of acquisition and cross-servicing transactions for which reimbursement to the United States is overdue under section 2345 of that title.

(b) REPORT.—

(1) IN GENERAL.—Not later than March 1, 2021, the designated official described in subsection (a) shall submit to the congressional defense committees a report on the results of the review.

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

(A) For each acquisition and cross-servicing transaction valued at $1,000,000 or more for which reimbursement to the United States was overdue as of October 1, 2019—

(i) the total amount of the transaction;

(ii) the unreimbursed balance of the transaction;

(iii) the date on which the original transaction was made;

(iv) the date on which the most recent request for payment was sent to the relevant foreign partner; and

(v) a plan for securing reimbursement from the foreign partner.

(B) A description of the steps taken to implement the recommendations made in the report of the Government Accountability Office entitled ''Defense Logistics Agreements: DOD Should Improve Oversight and Seek Payment from Foreign Partners for Thousands of Orders It Identifies as Overdue'' issued in March 2020, including efforts to validate data reported under this subsection and in the system of record for acquisition and cross-servicing agreements of the Department of Defense.

(C) The amount of reimbursement received from foreign partners for each order—

(i) for which the reimbursement is recorded as overdue in the system of record for acquisition and cross-servicing agreements of the Department of Defense; and

(ii) that was authorized during the period beginning in October 2013 and ending in September 2020.

(D) A plan for improving recordkeeping of acquisition and cross-servicing transactions and ensuring timely reimbursement by foreign partners.

(E) Any other matter considered relevant by the designated official described in subsection (a).

SEC. 1272. REPORT ON BURDEN SHARING CONTRIBUTIONS BY DESIGNATED COUNTRIES.

Section 2350j of title 10, United States Code, is amended by adding at the end the following new subsection:

''(f) REPORT ON CONTRIBUTIONS RECEIVED FROM DESIGNATED COUNTRIES.—

''(1) IN GENERAL.—Not later than January 15 each year, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the burden sharing contributions received under this section from designated countries.

''(2) ELEMENTS.—Each report required by paragraph (1) shall include the following for the preceding fiscal year:

''(A) A list of all designated countries from which burden sharing contributions were received.

''(B) An explanation of the purpose for which each such burden sharing contribution was provided.

''(C) In the case of a written agreement entered into with a designated country under this section—

''(i) the date on which the agreement was signed; and

''(ii) the names of the individuals who signed the agreement.

''(D) For each designated country—

''(i) the amount provided by the designated country; and

''(ii) the amount of any remaining unobligated balance.

''(E) The amount of such burden sharing contributions expended, by eligible category, including compensation for local national employees, military construction projects, and supplies and services of the Department of Defense.

''(F) An explanation of any other burden sharing or in-kind contribution provided by a designated country under an agreement or authority other than the authority provided by this section.

''(G) Any other matter the Secretary of Defenses considers relevant.

''(3) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term 'appropriate committees of Congress' means—

''(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

''(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.''.

SEC. 1273. REPORT ON RISK TO PERSONNEL, EQUIPMENT, AND OPERATIONS DUE TO HUAWEI 5G ARCHITECTURE IN HOST COUNTRIES.

(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 that contains an assessment of—

(1) the risk to personnel, equipment, and operations of the Department of Defense in host countries posed by the current or intended use by such countries of 5G telecommunications architecture provided by Huawei Technologies Co., Ltd.; and

(2) measures required to mitigate the risk described in paragraph (1), including the merit and feasibility of the relocation of certain personnel or equipment of the Department to another location without the presence of 5G telecommunications architecture provided by Huawei Technologies Co., Ltd.

(b) FORM.—The report required by subsection (a) shall be submitted in classified form with an unclassified summary.

Subtitle G—Other Matters

SEC. 1281. RECIPROCAL PATIENT MOVEMENT AGREEMENTS.

(a) IN GENERAL.—Subchapter II of chapter 138 of title 10, United States Code, as amended by section 1241(a), is further amended by adding at the end the following new section:

''§ 2350p. Reciprocal patient movement agreements

''(a) AUTHORITY.—Subject to the availability of appropriations, the Secretary of Defense, with the concurrence of the Secretary of State, may enter into a bilateral or multilateral memorandum of understanding or other formal agreement with one or more governments of partner countries that provides for—

''(1) the interchangeable, nonreimbursable use of patient movement personnel, either individually or as members of a patient movement crew or team, and equipment, belonging to one partner country to perform patient movement services aboard the aircraft, vessels, or vehicles of another partner country;

''(2) the reciprocal recognition and acceptance of —

''(A) national professional credentials, certifications, and licenses of patient movement personnel; and

''(B) national certifications, approvals, and licenses of equipment used in the provision of patient movement services; and

''(3) the acceptance of agreed-upon standards for the provision of patient movement services by aircraft, vessel, or vehicle, including, as determined to be beneficial and

otherwise permitted by law, the harmonization of patient treatment standards and procedures.

''(b) CERTIFICATION.—(1) Before entering into a memorandum of understanding or other formal agreement with the government of a partner country under this section, the Secretary of Defense shall certify in writing that the professional credentials, certifications, licenses, and approvals for patient movement personnel and patient movement equipment of the partner country—

''(A) meet or exceed the equivalent standards of the United States for similar personnel and equipment; and

''(B) will provide for a level of care comparable to, or better than, the level of care provided by the Department of Defense.

''(2) A certification under paragraph (1) shall be—

''(A) submitted to the appropriate committees of Congress not later than 15 days after the date on which the Secretary of Defense makes the certification; and

''(B) reviewed and recertified by the Secretary of Defense not less frequently than annually.

''(c) SUSPENSION.—If the Secretary of Defense is unable to recertify a partner country as required by subsection (b)(2)(B), use of the personnel or equipment of the partner country by the Department of Defense under a memorandum of understanding or other formal agreement concluded pursuant to subsection (a) shall be suspended until the date on which the Secretary of Defense is able to recertify the partner country.

''(d) DEFINITIONS.—In this section:

''(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term 'appropriate committees of Congress' means—

''(A) the congressional defense committees; and

''(B) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

''(2) PARTNER COUNTRY.—The term 'partner country' means any of the following:

''(A) A member country of the North Atlantic Treaty Organization.

''(B) Australia.

''(C) Japan.

''(D) New Zealand.

''(E) The Republic of Korea.

''(F) Any other country designated as a partner country by the Secretary of Defense, with the concurrence of the Secretary of State, for purposes of this section.

''(3) PATIENT MOVEMENT.—The term 'patient movement' means the act or process of moving wounded, ill, injured, or other persons (including contaminated, contagious, and potentially exposed patients) to obtain medical, surgical, mental health, or dental care or treatment.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter, as amended by section 1241(b), is further amended by adding at the end the following new item:

''2350p. Reciprocal patient movement agreements.''.

SEC. 1282. EXTENSION OF AUTHORIZATION OF NON-CONVENTIONAL ASSISTED RECOVERY CAPABILITIES.

Subsection (g) of section 943 of the National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4578), as most recently amended by section 1282(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2542) and as redesignated by section 1051(n)(1) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1564), is further amended by striking ''2021'' and inserting ''2024''.

SEC. 1283. EXTENSION OF DEPARTMENT OF DEFENSE SUPPORT FOR STABILIZATION ACTIVITIES IN NATIONAL SECURITY INTEREST OF THE UNITED STATES.

Section 1210A(h) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended by striking ''December 31, 2020'' and inserting ''December 31, 2021''.

SEC. 1284. NOTIFICATION WITH RESPECT TO WITHDRAWAL OF MEMBERS OF THE ARMED FORCES PARTICIPATING IN THE MULTINATIONAL FORCE AND OBSERVERS IN EGYPT.

(a) IN GENERAL.—Not later than 30 days before a reduction in the total number of members of the Armed Forces deployed to the Multinational Force and Observers in Egypt to fewer than 430 such members of the Armed Forces, the Secretary of Defense shall submit to the appropriate committees of Congress a notification that includes the following:

(1) A detailed accounting of the number of members of the Armed Forces to be withdrawn from the Multinational Force and Observers in Egypt and the capabilities that such members of the Armed Forces provide in support of the mission.

(2) An explanation of national security interests of the United States served by such a reduction and an assessment of the effect, if any, such a reduction is expected to have on the security of United States partners in the region.

(3) A description of consultations by the Secretary with the other countries that contribute military forces to the Multinational Force and Observers, including Australia, Canada, Colombia, the Czech Republic, Fiji, France, Italy, Japan, New Zealand, Norway, the United Kingdom, and Uruguay, with respect to the planned force reduction and the results of such consultations.

(4) An assessment of whether other countries, including the countries that contribute military forces to the Multinational Force and Observers, will increase their contributions of military forces to compensate for the capabilities withdrawn by the United States.

(5) An explanation of—

(A) any anticipated negative impact of such a reduction on the ability of the Multinational Force and Observers in Egypt to fulfill its mission of supervising the implementation of the security provisions of the 1979 Treaty of Peace between Egypt and Israel and employing best efforts to prevent any violation of the terms of such treaty; and

(B) the manner in which any such negative impact will be mitigated.

(6) Any other matter the Secretary considers appropriate.

(b) FORM.—The notification required by 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 congressional defense committees; and

(2) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1285. MODIFICATION TO INITIATIVE TO SUPPORT PROTECTION OF NATIONAL SECURITY ACADEMIC RESEARCHERS FROM UNDUE INFLUENCE AND OTHER SECURITY THREATS.

Section 1286 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 2358 note) is amended—

(1) in subsection (c)(2)—

(A) in subparagraph (A), by striking ''; and'' and inserting a semicolon;

(B) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(C) includes requirements for appropriate senior officials of institutions of higher education to receive from appropriate Government agencies updated and periodic briefings that describe the espionage risks posed by technical intelligence gathering activities of near-peer strategic competitors.''; and

(2) in subsection (e)(2)(D), by striking ''improve'' and inserting ''improved''.

SEC. 1286. ESTABLISHMENT OF UNITED STATES-ISRAEL OPERATIONS-TECHNOLOGY WORKING GROUP.

(a) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the United States Government has a responsibility to undertake all reasonable measures to ensure that members of the Armed Forces never confront a more technologically advanced foe;

(2) the United States and Israel have several cooperative technology programs to develop and field capabilities in missile defense, countertunneling, and counter-unmanned aerial systems; and

(3) building on positive ongoing efforts, the United States and Israel should further institutionalize and strengthen their defense innovation partnership by establishing a United States-Israel Operations-Technology Working Group to identify and expeditiously field capabilities that the military forces of both countries need to deter and defeat respective adversaries.

(b) UNITED STATES-ISRAEL OPERATIONS-TECHNOLOGY WORKING GROUP.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Minister of Defense of Israel, shall establish a United States-Israel Operations-Technology Working Group (in this subsection referred to as the ''Working Group'') for the following purposes:

(A) To provide a standing forum for the United States and Israel to systematically share intelligence-informed military capability requirements.

(B) To identify military capability requirements common to both the Department of Defense and the Ministry of Defense of Israel.

(C) To assist defense suppliers in the United States and Israel, by incorporating recommendations from such defense suppliers, with respect to conducting joint science, technology, research, development, test, evaluation, and production efforts.

(D) To develop, as feasible and advisable, combined United States-Israel plans to research, develop, procure, and field weapons systems and military capabilities as quickly and economically as possible to meet common capability requirements of the Department of Defense and the Ministry of Defense of Israel.

(2) WORKING GROUP LEADERSHIP.—

(A) UNITED STATES LEADERSHIP.—With respect to the United States, the Working Group shall be headed by—

(i) the Secretary, or a designee; and

(ii) the Chairman of the Joint Chiefs of Staff, or a designee.

(B) ISRAEL LEADERSHIP.—The Secretary shall invite the Government of Israel to designate the head of the appropriate office or offices to head the Working Group with respect to Israel.

(3) WORKING GROUP MEMBERSHIP.—

(A) UNITED STATES MEMBERSHIP.—The Secretary, in consultation with other Cabinet members, shall designate one or more individuals to serve as members of the Working Group.

(i) MANDATORY UNITED STATES MEMBERS.—The membership of the Working Group shall consist of, at a minimum, representatives from—

(I) the Office of the Secretary of Defense;

(II) the Joint Staff;

(III) each of the military departments (including, as appropriate, subordinate entities such as Army Futures Command and research laboratories);

(IV) the defense agencies (including the Defense Advanced Research Projects Agency, the Defense Intelligence Agency, and the Defense Security Cooperation Agency);

(V) United States Central Command; and

(VI) United States European Command.

(ii) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall be construed as limiting the ability of the Secretary to add members to the Working Group, as considered appropriate.

(B) ISRAEL MEMBERSHIP.—The Secretary shall invite such representatives of the Government of Israel to designate individuals from the Government of Israel to serve as members of the Working Group, as the Secretary considers appropriate.

(4) EXISTING EFFORTS.—

(A) IN GENERAL.—The Secretary shall determine the most efficient and effective means to integrate the Working Group into existing United States science and technology efforts and research, development, test, and evaluation efforts with Israel.

(B) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as requiring the termination of any existing United States defense activity, group, program, or partnership with Israel.

(5) MEMORANDUM OF UNDERSTANDING.—

(A) IN GENERAL.—The Secretary shall, with the concurrence of the Minister of Defense of Israel, establish a memorandum of understanding between the United States and Israel establishing the United States-Israel Operations Technology Working Group.

(B) MATTERS TO BE INCLUDED.—The memorandum of understanding under subparagraph (A) shall set forth—

(i) the purposes of the Working Group, consistent with paragraph (1);

(ii) the membership of the Working Group, consistent with paragraph (3); and

(iii) any other matter considered appropriate.

(6) REPORTS.—

(A) INITIAL REPORT.—

(i) IN GENERAL.—Not later than 180 days after the establishment of the Working Group, the Secretary shall submit to the appropriate committees of Congress an initial report on the Working Group.

(ii) ELEMENTS.—The report required by clause (i) shall include the following:

(I) The finalized memorandum of understanding under paragraph (5).

(II) The name of each individual of the Government of the United States and of the Government of Israel designated to lead the Working Group.

(III) The name of each member of the Working Group designated under subparagraph (A) or (B) of paragraph (3).

(IV) A description of the manner in which the Working Group is anticipated to complement and augment existing science and technology efforts and research, development, test, and evaluation efforts with Israel.

(V) A schedule for Working Group meetings.

(VI) A description of key metrics and milestones for the Working Group.

(VII) A description of any authority or authorization of appropriations required for the Working Group to carry out the purposes described in paragraph (1).

(iii) FORM.—The report required by clause (i) shall be submitted in unclassified form, but may include a classified annex.

(B) ANNUAL REPORT.—

(i) IN GENERAL.—Not later than March 15 of each year following the submittal of the initial report required by subparagraph (A), the Secretary shall submit to the appropriate committees of Congress a report on the activities of the Working Group during the preceding calendar year.

(ii) ELEMENTS.—The report required by clause (i) shall include the following:

(I) A summary of the performance of the Working Group—

(aa) with respect to the first annual report under this subparagraph, the metrics and milestones described in the initial report in accordance with subparagraph (A)(ii)(VI); or

(bb) with respect to each subsequent annual report under this subparagraph, the metrics and milestones described in the preceding annual report under subclause (VIII).

(II) A description of military capabilities needed by both the United States and Israel.

(III) A description of any United States, or any United States-Israel, science and technology efforts, or research, development, test, and evaluation efforts, associated with the military capabilities described under subclause (II) carried out during the reporting period.

(IV) A description of any obstacle or challenge associated with an effort described in subclause (III) and the plan of the Working Group to address such obstacle or challenge.

(V) A description of any request to the Working Group made by a United States or Israel defense supplier for combined science and technology efforts or combined research, development, test, and evaluation efforts, including—

(aa) the date on which the request was received;

(bb) the efforts made by the Working Group to expeditiously address the request; and

(cc) the status of any decision associated with the request.

(VI) A description of the efforts of the Working Group to prevent the People's Republic of China or the Russian Federation from obtaining intellectual property or military technology associated with combined United States and Israel science and technology efforts and research, development, test, and evaluation efforts.

(VII) A description of any science and technology effort, or research, development, test, or evaluation effort, facilitated by the Working Group, including efforts that result in a United States or Israel program of record.

(VIII) A description of metrics and milestones for the Working Group for the following calendar year.

(iii) FORM.—Each report required by clause (i) shall be submitted in unclassified form and shall include a classified annex in which the elements required under subclauses (II) and (VI) of clause (ii) shall be addressed.

(C) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this paragraph, the term ''appropriate committees of Congress'' means—

(i) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(ii) the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

TITLE XIII—COOPERATIVE THREAT REDUCTION

SEC. 1301. FUNDING ALLOCATIONS FOR DEPARTMENT OF DEFENSE COOPERATIVE THREAT REDUCTION PROGRAM.

(a) IN GENERAL.—Of the $288,490,000 authorized to be appropriated to the Department of Defense for fiscal year 2021 in section 301 and made available by the funding table in division D for the Department of Defense Cooperative Threat Reduction Program established under section 1321 of the Department of Defense Cooperative Threat Reduction Act (50 U.S.C. 3711), the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination, $2,924,000.

(2) For chemical security and elimination, $11,806,000.

(3) For global nuclear security, $20,152,000.

(4) For biological threat reduction, $177,396,000.

(5) For proliferation prevention, $52,064,000.

(6) For activities designated as Other Assessments/Administrative Costs, $24,148,000.

(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 Reduction Program shall be available for obligation for fiscal years 2021, 2022, and 2023.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

SEC. 1401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2021 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, as specified in the funding table in section 4501.

SEC. 1402. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2021 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, as specified in the funding table in section 4501.

(b) USE.—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 1403. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2021 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 2021 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 2021 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—Armed Forces Retirement Home

SEC. 1411. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2021 from the Armed Forces Retirement Home Trust Fund the sum of $64,300,000 for the operation of the Armed Forces Retirement Home.

SEC. 1412. PERIODIC INSPECTIONS OF ARMED FORCES RETIREMENT HOME FACILITIES BY NATIONALLY RECOGNIZED ACCREDITING ORGANIZATION.

(a) IN GENERAL.—Section 1518 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 418) is amended to read as follows:

"SEC. 1518. PERIODIC INSPECTION OF RETIREMENT HOME FACILITIES.

''(a) INSPECTIONS.—The Chief Operating Officer shall request the inspection of each facility of the Retirement Home by a nationally recognized civilian accrediting organization in accordance with section 1511(g) on a frequency consistent with the standards of such organization.

''(b) AVAILABILITY OF STAFF AND RECORDS.—The Chief Operating Officer and the Administrator of a facility being inspected under this section shall make all staff, other personnel, and records of the facility available to the civilian accrediting organization in a timely manner for purposes of inspections under this section.

''(c) REPORTS.—Not later than 60 days after receiving a report on an inspection from the civilian accrediting organization under this section, the Chief Operating Officer shall submit to the Secretary of Defense, the Senior Medical Advisor, and the Advisory Council a report containing—

''(1) the results of the inspection; and

''(2) a plan to address any recommendations and other matters set forth in the report.''.

(b) CONFORMING AMENDMENTS.—The Armed Forces Retirement Home Act of 1991 (24 U.S.C. 401 et seq.) is further amended as follows:

(1) In section 1513A(c)(2) (24 U.S.C. 413a(c)(2)), by striking ''(including requirements identified in applicable reports of the Inspector General of the Department of Defense)''.

(2) In section 1516(b)(3) (24 U.S.C. 416(b)(3))—

(A) by striking ''shall—'' and all that follows through ''provide for'' and inserting ''shall provide for'';

(B) by striking ''; and'' and inserting a period; and

(C) by striking subparagraph (B).

(3) In section 1517(e)(2) (24 U.S.C. 417(e)(2)), by striking ''the Inspector General of the Department of Defense,''.

SEC. 1413. EXPANSION OF ELIGIBILITY FOR RESIDENCE AT THE ARMED FORCES RETIREMENT HOME.

(a) EXPANSION OF ELIGIBILITY.—Section 1512(a) of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 412(a)) is amended—

(1) in the matter preceding paragraph (1), by striking ''active'' in the first sentence;

(2) in paragraph (1), by striking ''are 60 years of age or over and''; and

(3) by adding the following new paragraph:

''(5) Persons who are eligible for retired pay under chapter 1223 of title 10, United States Code, and—

''(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 FEES AND DEDUCTIONS.—Section 1514(c) of such Act (24 U.S.C. 414(c)) is amended—

(1) by striking paragraph (2) and inserting the following new paragraph (2)

''(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 a percentage that the Secretary determines appropriate.

''(B) The calculation of monthly income and monthly payments under subparagraph (A) for a resident eligible under section 1512(a)(5) shall not be less than the retirement pay for equivalent active duty service as determined by the Chief Operating Officer, except as the Chief Operating Officer may provide because of compelling personal circumstances.''; and

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

''(4) The Administrator of each facility of the Retirement Home may collect a fee upon admission from a resident accepted under section 1512(a)(5) equal to the deductions then in effect under section 1007(i)(1) of title 37, United States Code, for each year of nonregular service, and shall deposit such fee in the Armed Forces Retirement Home Trust Fund.''.

(c) CONFORMING AMENDMENT.—Section 1007(i)(3) of title 37, United States Code, is amended by striking ''Armed Forces Retirement Home Board'' and inserting ''Chief Operating Officer of the Armed Forces Retirement Home''.

Subtitle C—Other Matters

SEC. 1421. AUTHORITY FOR TRANSFER OF FUNDS TO JOINT DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION FUND FOR CAPTAIN JAMES A. LOVELL HEALTH CARE CENTER, ILLINOIS.

(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, $130,400,000 may be transferred by the Secretary of Defense to the Joint Department of Defense–Department of Veterans Affairs Medical Facility Demonstration Fund established by subsection (a)(1) of section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2571).

(b) TREATMENT OF TRANSFERRED FUNDS.—For purposes of subsection (a)(2) of such section 1704, any funds transferred under subsection (a) shall be treated as amounts authorized and appropriated specifically for the purpose of such a transfer.

(c) USE OF TRANSFERRED FUNDS.—For 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 Appropriations

SEC. 1501. PURPOSE.

The purpose of this subtitle is to authorize appropriations for the Department of Defense for fiscal year 2021 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 2021 for the Department of Defense for overseas 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 2021 for procurement accounts for the Army, the Navy and the Marine Corps, the Air Force, and Defense-wide activities, as specified in the funding table in section 4102.

SEC. 1504. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

Funds are hereby authorized to be appropriated for fiscal year 2021 for the use of the Department of Defense for research, development, test, and evaluation, as specified in the funding table in section 4202.

SEC. 1505. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2021 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, as specified in the funding table in section 4302.

SEC. 1506. MILITARY PERSONNEL.

Funds are hereby authorized to be appropriated for fiscal year 2021 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for 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 2021 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 INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2021 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 2021 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 2021 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 2021 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 $2,000,000,000.

(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.

Subtitle C—Other Matters

SEC. 1531. AFGHANISTAN SECURITY FORCES FUND.

(a) EXTENSION OF AVAILABILITY OF FUNDS FOR SECURITY OF AFGHAN WOMEN.—Subsection (c)(1) of section 1520 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended, in the matter preceding subparagraph (A), by striking ''fiscal year 2020'' and inserting ''fiscal year 2021''.

(b) ASSESSMENT OF AFGHANISTAN PROGRESS ON OBJECTIVES.—Subsection (d) of such section is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ''June 1, 2020'' and inserting ''March 1, 2021'';

(B) in subparagraph (A), by striking ''; and'' and inserting '', including specific milestones achieved since the date on which the 2020 progress report was submitted;'';

(C) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(C) the efforts of the Government of the Islamic Republic of Afghanistan to fulfill the commitments of the Government of the Islamic Republic of Afghanistan under the Joint Declaration between the Islamic Republic of Afghanistan and the United States of America for Bringing Peace to Afghanistan, issued on February 29, 2020.'';

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

''(2) MATTERS TO BE INCLUDED.—In conducting the assessment required by paragraph (1), the Secretary of Defense shall include each of the following:

''(A) The progress made by the Government of the Islamic Republic of Afghanistan toward increased accountability and the reduction of corruption within the Ministry of Defense and the Ministry of Interior of the Government of the Islamic Republic of Afghanistan.

''(B) The extent to which the Government of the Islamic Republic of Afghanistan has designated the appropriate staff, prioritized the development of relevant processes, and provided or requested the allocation of resources necessary to support a peace and reconciliation process in Afghanistan.

''(C) The extent to which the capability and capacity of the Afghan National Defense and Security Forces have improved as a result of Afghanistan Security Forces Fund investment, including through training, and an articulation of the metrics used to assess such improvements.

''(D) The extent to which the Afghan National Defense and Security Forces have been successful in—

''(i) defending territory, re-taking territory, and disrupting attacks;

''(ii) reducing the use of Afghan National Defense and Security Forces checkpoints; and

''(iii) curtailing the use of Afghan Special Security Forces for missions that are better suited to general purpose forces.

''(E) The distribution practices of the Afghan National Defense and Security Forces and whether the Government of the Islamic Republic of Afghanistan is ensuring that supplies, equipment, and weaponry supplied by the United States are appropriately distributed to, and employed by, security forces.

''(F) The progress made with respect to the recruitment, integration, retention, training, and treatment of women in the Afghan National Defense and Security Forces.

''(G) The extent to which the Government of the Islamic Republic of Afghanistan is adhering to conditions for receiving assistance established in annual financial commitment letters or any other bilateral agreement with the United States.

''(H) Such other factors as the Secretaries consider appropriate.''; and

(3) by amending paragraph (4) to read as follows:

''(4) WITHHOLDING OF FUNDS FOR INSUFFICIENT PROGRESS.—

''(A) CERTIFICATION.—Not later than December 31, 2020, the Secretary of Defense, in coordination with the Secretary of State and pursuant to the assessment under paragraph (1), shall submit to the congressional defense committees a certification indicating whether the Government of the Islamic Republic of Afghanistan has made sufficient progress in the areas described in paragraph (2).

''(B) WITHHOLDING OF FUNDS.—If the Secretary of Defense is unable under subparagraph (A) to certify that the Government of the Islamic Republic of Afghanistan is making sufficient progress in the areas described in paragraph (2), the Secretary of Defense shall—

''(i) withhold from expenditure and obligation an amount that is not less than 5 percent and not more than 15 percent of the amounts made available for assistance for the Afghan National Defense and Security Forces for fiscal year 2021 until the date on which the Secretary is able to so certify; and

''(ii) notify the congressional defense committees not later than 30 days before withholding such funds and indicate the specific areas of insufficient progress.

''(C) WAIVER.—If the Secretary of Defense determines that withholding such funds would impede the national security objectives of the United States by prohibiting, restricting, delaying, or otherwise limiting the provision of assistance to the Afghan National Defense and Security Forces for fiscal year 2021, the Secretary may waive the withholding requirement under subparagraph (B) if the Secretary, in coordination with the Secretary of State, certifies such determination to the congressional defense committees not later than 30 days before the effective date of the waiver.''.

(c) ADDITIONAL REPORTING REQUIREMENTS.—Subsection (e) of such section is amended—

(1) in the matter preceding paragraph (1), by striking ''fiscal year 2021'' and inserting ''fiscal year 2022'';

(2) in paragraph (1), by striking ''fiscal year 2019'' and inserting ''fiscal year 2020'';

(3) in paragraph (2), by striking ''fiscal year 2020'' and inserting ''fiscal year 2021''; and

(4) by amending paragraph (3) to read as follows:

''(3) If the amounts described in paragraph (2) exceed the amount described in paragraph (1)—

''(A) an explanation as to why such amounts are greater; and

''(B) a detailed description of the specific entities and purposes that were supported by such increase.''.

(d) CONFORMING AMENDMENT.—Such section is further amended by striking ''Government of Afghanistan'' each place it appears and inserting ''Government of the Islamic Republic of Afghanistan''.

SEC. 1532. TRANSITION AND ENHANCEMENT OF INSPECTOR GENERAL AUTHORITIES FOR AFGHANISTAN RECONSTRUCTION.

(a) SENSE OF SENATE.—It is the sense of the Senate to commend the Special Inspector General for Afghanistan Reconstruction, and the Office of the Special Inspector General for Afghanistan Reconstruction, for—

(1) dedicated and faithful service to the United States since their establishment in the 2008; and

(2) promoting substantial efficiency and effectiveness in the administration of programs and operations funded with amounts for the reconstruction of Afghanistan.

(b) PURPOSES.—Subsection (a) of section 1229 of the National Defense Authorization Act for Fiscal Year 2008 (5 U.S.C. app. 8G note) is amended—

(1) in paragraph (3), by inserting after ''To provide for'' the following: ''the transition to the lead Inspector General for Operation Freedom's Sentinel designated pursuant to section 8L(d) of the Inspector General Act of 1978 (50 U.S.C. app. 8L(d)) of all duties, responsibilities, and authorities for serving''; and

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

''(4) To maximize coordination between the Inspector General under this section and the lead Inspector General for Operation Freedom's Sentinel, including through transparency and timely sharing of data and information collected in relation to the exercise of their respective duties, responsibilities, and authorities, with emphasis on matters of significant overlap between the Department of State, the United States Agency for International Development, and the Department of Defense.''.

(c) ASSISTANT INSPECTOR GENERAL FOR AUDITING.—Subsection (d)(1) of such section is amended by striking ''supported by'' and inserting ''funded with''.

(d) SUPERVISION.—Subsection (e)(2) of such section is amended by inserting ''authorized by this section'' after ''any audit or investigation''.

(e) DUTIES.—Subsection (f) of such section is amended—

(1) in paragraph (1)—

(A) in subparagraph (E), by adding ''and'' at the end;

(B) by striking subparagraph (F);

(C) by redesignating subparagraph (G) as subparagraph (F); and

(D) in subparagraph (F), as redesignated by subparagraph (C) of this paragraph—

(i) by inserting ''with such funds'' after ''overpayments,''; and

(ii) by inserting ''regarding such funds,'' after ''or affiliated entities'';

(2) in paragraph (2)—

(A) by striking ''The Inspector General'' and inserting ''As specified in this section, the Inspector General''; and

(B) by striking ''as the Inspector General considers appropriate'' and inserting ''as necessary''; and

(3) by striking paragraph (4) and inserting the following new paragraph (4):

''(4) SCOPE OF DUTIES AND RESPONSIBILITIES.—

''(A) NO EXTENSION TO PARTICULAR MATTERS.—The duties and responsibilities of the Inspector General under paragraphs (1) through (3) shall not extend to the following:

''(i) Military operations or activities (including security assistance or cooperation), unless such operations or activities are funded using a Fund or account specified in subsection (n)(1).

''(ii) Contracts for personal security.

''(B) ASSIGNMENT OF DUTIES AND RESPONSIBILITIES FOR SUCH MATTERS.—Duties and responsibilities of inspectors general with respect to operations and activities and contracts specified in subparagraph (A) shall be discharged by the lead Inspector General for Operation Freedom's Sentinel designated pursuant to section 8L(d) of the Inspector General Act of 1978.''.

(f) RESPONSIBILITY FOR COORDINATION OF EFFORTS VESTED IN LEAD IG FOR OPERATION FREEDOM'S SENTINEL.—Such section is further amended—

(1) by redesignating subsections (g) through (o) as subsections (h) through (p), respectively; and

(2) by inserting after subsection (f) the following new subsection (g):

''(g) COORDINATION AND DECONFLICTION OF EFFORTS.—

''(1) COORDINATION AND DECONFLICTION THROUGH LEAD IG FOR OPERATION FREEDOM'S SENTINEL.—The lead Inspector General for Operation Freedom's Sentinel designated pursuant to section 8L(d) of the Inspector General Act of 1978 shall exercise all duties, responsibilities, and authorities for the coordination and deconfliction of inspector general activities in or in regard to Afghanistan.

''(2) COORDINATION IN DISCHARGE.—In carrying out duties, responsibilities, and authorities under paragraph (1), the lead Inspector General referred to in that paragraph shall coordinate with, receive the cooperation of, and be responsible for deconfliction among, the following:

''(A) Each Inspector General specified in section 8L(c) of the Inspector General Act of 1978 who is not the lead Inspector General for Operation Freedom's Sentinel.

''(B) The Inspector General under this section.''.

(g) ASSISTANCE FROM FEDERAL AGENCIES.—Subsection (i) of such section, as redesignated by subsection (f)(1) of this section, is amended—

(1) in paragraph (5)(A), by inserting ''pertaining to the exercise by the Inspector General of duties, responsibilities, or authorities specified in subsection (f)'' after ''information and assistance''; and

(2) by striking paragraph (6).

(h) REPORTS.—Subsection (j) of such section, as redesignated by subsection (f)(1) of this section, is amended—

(1) in paragraph (1)—

(A) by striking the matter preceding subparagraph (A) and inserting the following new matter:

''(1) SEMI-ANNUAL REPORTS.—Not later than 30 days after the end of the second quarter of each fiscal year, and not later than 30 days after the end of the fourth quarter of each fiscal year, the Inspector General shall submit to the appropriate congressional committees a report setting forth a summary, for the two fiscal year quarters ending before the date on which such report is required to be submitted, of the activities of the Inspector General and the activities under programs and operations funded with amounts appropriated or otherwise made available for the reconstruction of Afghanistan. Each report shall include, for the period covered by such report, the following:'';

(B) by striking subparagraph (A) and inserting the following new subparagraph (A):

''(A) A detailed statement of all obligations and expenditures of amounts appropriated or otherwise made available for the reconstruction of Afghanistan.'';

(C) in subparagraph (B), by inserting ''projects and programs funded by amounts appropriated or otherwise made available'' after ''costs incurred to date for''; and

(D) in subparagraphs (C) and (D), by striking ''funded by any department or agency of the United States Government'' each place it appears and inserting ''funded by amounts appropriated or otherwise made available for the reconstruction of Afghanistan''; and

(2) in paragraph (2), by striking ''that involves the use'' and all that follows and inserting ''that is funded by amounts appropriated or otherwise made available for the reconstruction of Afghanistan.''.

(i) REPORT COORDINATION.—Subsection (k) of such section, as redesignated by subsection (f)(1) of this section, is amended—

(1) in the subsection heading, by inserting ''BY INSPECTOR GENERAL FOR OPERATION FREEDOM'S SENTINEL'' after ''REPORT COORDINATION'';

(2) in paragraph (1), by striking ''and the Secretary of Defense'' and inserting '', the Secretary of Defense, and the lead Inspector General for Operation Freedom's Sentinel designated pursuant to section 8L(d) of the Inspector General Act of 1978''; and

(3) in paragraph (2), by striking ''or the Secretary of Defense'' each place it appears and inserting '', the Secretary of Defense, or the lead Inspector General referred to in paragraph (1)''.

(j) FUNDS SUBJECT TO OVERSIGHT RESPONSIBILITY.—Paragraph (1) of subsection (n) of such section, as redesignated by subsection (f)(1) of this section, is amended to read as follows:

''(1) AMOUNTS APPROPRIATED OR OTHERWISE MADE AVAILABLE FOR THE RECONSTRUCTION OF AFGHANISTAN.—The term 'amounts appropriated or otherwise made available for the reconstruction of Afghanistan' means amounts appropriated or otherwise made available for any fiscal year for the reconstruction of Afghanistan under either of the following:

''(A) The Economic Support Fund.

''(B) The International Narcotics Control and Law Enforcement account.

''(C) The Commanders Emergency Response Program Fund.

''(D) The NATO Afghanistan National Army Trust Fund.

''(E) The Drug Interdiction and Counter Drug Activities Fund.

''(F) The Afghanistan Security Forces Fund.''.

(k) TERMINATION.—Subsection (p) of such section, as redesignated by subsection (f)(1) of this section, is amended—

(1) by striking paragraph (2); and

(2) by adding at the end the following new paragraphs.

''(2) ASSUMPTION OF DUTIES, RESPONSIBILITIES, AND AUTHORITIES IN TERMINATION.—

''(A) IN GENERAL.—Effective as of the date provided for in subparagraph (B), the duties, responsibilities, and authorities of the Inspector General under this section shall be discharged by the lead Inspector General for Operation Freedom's Sentinel designated pursuant to subsection (d) of section 8L of the Inspector General Act of 1978.

''(B) EFFECTIVE DATE.—The effective date provided for in this subparagraph shall be such date after the date of the termination of the Office of the Special Inspector General for Afghanistan Reconstruction pursuant to paragraph (1) as the Chair of the Council of Inspectors General on Integrity and Efficiency under subsection (a) of section 8L of the Inspector General Act of 1978 shall specify, which date may not be more than 180 days after the date of such termination.

''(3) FINAL REPORT.—The final report of the Inspector General under this section shall consist of the semi-annual report required by subsection (j)(1) for the last two fiscal year quarters ending before the date of the termination of the Office of the Special Inspector General for Afghanistan Reconstruction pursuant to paragraph (1).''.

(l) CONFORMING AND TECHNICAL AMENDMENTS.—

(1) IN GENERAL.—Subject to paragraph (2), such section is further amended as follows:

(A) In subsection (a)(2)(A), by inserting a comma after ''economy''.

(B) Subsection (a)(3) is amended to read as such subsection read as of the day before the date of the enactment of this Act.

(C) Paragraph (4) of subsection (a) is repealed.

(D) In subsection (f)(1)(E), by striking ''fund'' and inserting ''funds''.

(E) In subsections (l) and (m), as redesignated by subsection (f)(1) of this section—

(i) by striking ''subsection (i)'' each place it appears and inserting ''subsection (j)''; and

(ii) by striking ''subsection (j)(2)'' each place it appears and inserting ''subsection (k)(2)''.

(2) EFFECTIVE DATES.—The amendments made by subparagraphs (A), (D) and (E) of paragraph (1) shall take effect on the date of the enactment of this Act. The amendment made by subparagraphs (B) and (C) of that paragraph shall take effect on the effective date provided for in section 1229(p)(2)(B) of the National Defense Authorization Act for Fiscal Year 2008, as redesignated by subsection (f)(1) and amended by subsection (k).

(m) CONFORMING AMENDMENT TO OTHER LAW.—Section 842(c) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 234; 10 U.S.C. 2302 note) is amended—

(1) by inserting ''(1)'' before ''The Special Inspector General for Iraq Reconstruction''; and

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

''(2) Upon the assumption by the lead Inspector General for Operation Freedom's Sentinel designated pursuant to section 8L(d) of the Inspector General Act of 1978 (5 U.S.C. app. 8L(d)) of duties, responsibilities, and authorities under section 1229 of this Act, as provided for in subsection (p)(2) of such section 1229, the requirement in paragraph (1) to perform audits as required by subsection (a) with respect to Afghanistan shall be discharged by such lead Inspector General.''.

TITLE XVI—STRATEGIC PROGRAMS, CYBER, AND INTELLIGENCE MATTERS

Subtitle A—Space Activities

SEC. 1601. RESILIENT AND SURVIVABLE POSITIONING, NAVIGATION, AND TIMING CAPABILITIES.

(a) IN GENERAL.—Not later than two years after the date of the enactment of this Act, consistent with the timescale applicable to joint urgent operational needs statements, the Secretary of Defense shall—

(1) prioritize and rank order the mission elements, platforms, and weapons systems most critical for the operational plans of the combatant commands;

(2) mature, test, and produce for such prioritized mission elements sufficient equipment—

(A) to generate resilient and survivable alternative positioning, navigation, and timing signals; and

(B) to process resilient survivable data provided by signals of opportunity and on-board sensor systems; and

(3) integrate and deploy such equipment into the prioritized operational systems, platforms, and weapons systems.

(b) PLAN.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a plan to commence carrying out subsection (a) in fiscal year 2021.

(2) REPROGRAMMING AND BUDGET PROPOSALS.—The plan submitted under paragraph (1) may include any reprogramming or supplemental budget request the Secretary considers necessary to carry out subsection (a).

(c) COORDINATION.—In carrying out this section, the Secretary shall consult with the National Security Council, the Secretary of Homeland Security, the Secretary of Transportation, and the head of any other relevant Federal department or agency to enable civilian and commercial adoption of technologies and capabilities for resilient and survivable alternative positioning, navigation, and timing capabilities to complement the global positioning system.

SEC. 1602. DISTRIBUTION OF LAUNCHES FOR PHASE TWO OF ACQUISITION STRATEGY FOR NATIONAL SECURITY SPACE LAUNCH PROGRAM.

In carrying out phase two of the acquisition strategy for the National Security Space Launch program, the Secretary of the Air Force shall ensure—

(1) that launch services are procured only from launch service providers that use launch vehicles meeting Federal requirements with respect to required payloads to reference orbits; and

(2) the viability of the domestic space launch industrial base while providing for cost-effective and reliable launch services.

SEC. 1603. DEVELOPMENT EFFORTS FOR NATIONAL SECURITY SPACE LAUNCH PROVIDERS.

(a) IN GENERAL.—The Secretary of the Air Force shall establish a program to develop technologies and systems to enhance phase three National Security Space Launch requirements and enable further advances in launch capability associated with the insertion of national security payloads into relevant classes of orbits.

(b) DURATION.—The duration of a project to develop technologies and systems selected under the program shall be not more than three years.

(c) PROGRAM EXPENSE CEILING.—The total amount expended under the program shall not exceed $250,000,000.

(d) SUNSET.—The program established under this section shall terminate on October 1, 2027.

SEC. 1604. TIMELINE FOR NONRECURRING DESIGN VALIDATION FOR RESPONSIVE SPACE LAUNCH.

Not later than 540 days after the date on which the Secretary of the Air Force selects two National Security Space Launch providers in accordance with the phase two acquisition strategy for the National Security Space Launch program, the Secretary of Defense shall complete the nonrecurring design validation of previously flown launch hardware for National Security Space Launch providers that offer such hardware for use in the phase two acquisition strategy or other national security space missions.

SEC. 1605. TACTICALLY RESPONSIVE SPACE LAUNCH OPERATIONS.

The Secretary of the Air Force shall implement a tactically responsive space launch program—

(1) to provide long-term continuity for tactically responsive space launch operations across the future-years defense program submitted to Congress under section 221 of title 10, United States Code;

(2) to accelerate the development of—

(A) responsive launch concepts of operations;

(B) tactics;

(C) training; and

(D) procedures;

(3) to develop appropriate processes for tactically responsive space launch, including—

(A) mission assurance processes; and

(B) command and control, tracking, telemetry, and communications; and

(4) to identify basing capabilities necessary to enable tactically responsive space launch, including mobile launch range infrastructure.

SEC. 1606. CONFORMING AMENDMENTS RELATING TO REESTABLISHMENT OF SPACE COMMAND.

(a) CERTIFICATIONS REGARDING INTEGRATED TACTICAL WARNING AND ATTACK ASSESSMENT MISSION OF THE AIR FORCE.—Section 1666(a) of National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 113 Stat. 2617) is amended by striking ''Strategic Command'' and inserting ''Space Command''.

(b) COUNCIL ON OVERSIGHT OF THE DEPARTMENT OF DEFENSE POSITIONING, NAVIGATION, AND TIMING ENTERPRISE.—Section 2279b of title 10, United States Code, is amended—

(1) in subsection (b)—

(A) by redesignating paragraphs (7), (8), (9), and (10) as paragraphs (8), (9), (10), and (11), respectively; and

(B) by inserting after paragraph (6) the following new paragraph (7):

''(7) The Commander of the United States Space Command.''; and

(2) in subsection (f), by striking ''Strategic Command'' each place it appears and inserting ''Space Command''.

(c) JOINT INTERAGENCY COMBINED SPACE OPERATIONS CENTER.—Section 605(e) of the Intelligence Authorization Act for Fiscal Year 2017 (Public Law 115–31; 131 Stat. 832) is amended—

(1) in the subsection heading, by striking ''JOINT INTERAGENCY COMBINED SPACE OPERATIONS CENTER'' and inserting ''NATIONAL SPACE DEFENSE CENTER''; and

(2) by striking ''Strategic Command'' each place it appears and inserting ''Space Command''; and

(3) by striking ''Joint Interagency Combined Space Operations Center'' each place it appears and inserting ''National Space Defense Center''.

(d) NATIONAL SECURITY SPACE SATELLITE REPORTING POLICY.—Section 2278(a) of title 10, United States Code, is amended by striking ''Strategic Command'' and inserting ''Space Command''.

(e) SPACE-BASED INFRARED SYSTEM AND ADVANCED EXTREMELY HIGH FREQUENCY PROGRAM.—Section 1612(a)(1) of the National Defense Authorization Act for 2017 (Public Law 114–328; 130 Stat. 2590) is amended by striking ''Strategic Command'' and inserting ''Space Command''.

SEC. 1607. SPACE DEVELOPMENT AGENCY DEVELOPMENT REQUIREMENTS AND TRANSFER TO SPACE FORCE.

(a) DEVELOPMENT.—The Director of the Space Development Agency shall lead—

(1) the development and demonstration of a resilient military space-based sensing, tracking, and data transport architecture that primarily uses a proliferated low-Earth orbit; and

(2) the integration of next-generation space capabilities, and sensor and tracking components (including a hypersonic and ballistic missile-tracking space sensor payload), into such architecture to address the requirements and needs of the Armed Forces and combatant commands for such capabilities.

(b) ORGANIZATION.—On October 1, 2022, or earlier if directed by the Secretary of Defense, the Space Development Agency shall be transferred from the Office of the Secretary of Defense to the United States Space Force and shall maintain the same organizational reporting requirements and acquisition authorities as the Space Rapid Capability Office.

SEC. 1608. SPACE LAUNCH RATE ASSESSMENT.

Not later than 90 days after the date of the enactment of this Act, and biennially thereafter for the following five-year period, the Secretary of the Air Force shall submit to the congressional defense committees an assessment that includes—

(1) the total number of space launches for all national security and Federal civil agency entities conducted in the United States during the preceding two-year period; and

(2) the number of space launches by the same sponsors projected to occur during the following three-year period, including—

(A) the number of launches, disaggregated by class of launch vehicle; and

(B) the number of payloads, disaggregated by orbital destination.

SEC. 1609. REPORT ON IMPACT OF ACQUISITION STRATEGY FOR THE NATIONAL SECURITY SPACE LAUNCH PROGRAM ON EMERGING FOREIGN SPACE LAUNCH PROVIDERS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to Congress a report on the impact of the acquisition strategy for the National Security Space Launch program on the potential for foreign countries, including the People's Republic of China, to enter the global commercial space launch market.

Subtitle B—Cyberspace-Related Matters

SEC. 1611. MODIFICATION OF POSITION OF PRINCIPAL CYBER ADVISOR.

(a) IN GENERAL.—Subsection (c) of section 932 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 10 U.S.C. 2224 note) is amended to read as follows:

''(c) PRINCIPAL CYBER ADVISOR.—

''(1) DESIGNATION.—The Secretary shall designate a Principal Cyber Advisor from among those civilian officials of the Department of Defense who have been appointed to the positions in which they serve by the President, by and with the advice and consent of the Senate.

''(2) RESPONSIBILITIES.—The Principal Cyber Advisor shall be responsible for the following:

''(A) Acting as the principal advisor to the Secretary on military cyber forces and activities.

''(B) Overall integration of Cyber Operations Forces activities relating to cyberspace operations, including associated policy and operational considerations, resources, personnel, technology development and transition, and acquisition.

''(C) Assessing and overseeing the implementation of the cyber strategy of the Department and execution of the cyber posture review of the Department on behalf of the Secretary.

''(D) Coordinating activities pursuant to subparagraphs (A) and (B) of subsection (c)(3) with the Principal Information Operations Advisor, the Chief Information Officer of the Department, and other officials as determined by the Secretary of Defense, to ensure the integration of activities in support of cyber, information, and electromagnetic spectrum operations.

''(E) Such other matters relating to the offensive military cyber forces of the Department as the Secretary shall specify for the purposes of this subsection.

''(3) CROSS-FUNCTIONAL TEAM.—Consistent with section 911 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 111 note), the Principal Cyber Advisor shall—

''(A) integrate the cyber expertise and perspectives of appropriate organizations within the Office of the Secretary of Defense, Joint Staff, military departments, the Defense Agencies and Field Activities, and combatant commands, by establishing and maintaining a full-time cross-functional team of

subject matter experts from those organizations; and

''(B) select team members, and designate a team leader, from among those personnel nominated by the heads of such organizations.''.

(b) DESIGNATION OF DEPUTY PRINCIPAL CYBER ADVISOR.—Section 905(a)(1) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended by striking ''Under Secretary of Defense for Policy'' and inserting ''Secretary of Defense''.

SEC. 1612. FRAMEWORK FOR CYBER HUNT FORWARD OPERATIONS.

(a) FRAMEWORK REQUIRED.—Not later than February 1, 2021, the Secretary of Defense shall develop a standard, comprehensive framework to enhance the consistency, execution, and effectiveness of cyber hunt forward operations.

(b) ELEMENTS.—The framework developed pursuant to subsection (a) shall include the following:

(1) Identification of the selection criteria for proposed hunt forward operations, including specification of necessary thresholds for the justification of operations and thresholds for partner cooperation.

(2) The roles and responsibilities of the following organizations in the support of the planning and execution of hunt forward operations:

(A) United States Cyber Command.

(B) Service cyber components.

(C) The Office of the Under Secretary of Defense for Policy.

(D) Geographic combatant commands.

(E) Cyber Operations-Integrated Planning Elements and Joint Cyber Centers.

(F) Embassies and consulates of the United States.

(3) Pre-deployment planning guidelines to maximize the operational success of each unique operation, including guidance that takes into account the highly variable nature of the following aspects at the tactical level:

(A) Team composition, including necessary skillsets, recommended training, and guidelines on team size and structure.

(B) Relevant factors to determine mission duration in a country of interest.

(C) Agreements with partner countries required pre-deployment.

(D) Criteria for potential follow-on operations.

(E) Equipment and infrastructure required to support the missions.

(4) Metrics to measure the effectiveness of each operation, including means to evaluate the value of discovered malware and infrastructure, the effect on the adversary, and the potential for future engagements with the partner country.

(5) Roles and responsibilities for United States Cyber Command and the National Security Agency in the analysis of relevant mission data.

(6) Such other matters as the Secretary determines relevant.

(c) BRIEFING.—

(1) IN GENERAL.—Not later than March 1, 2021, the Secretary of Defense shall provide to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a briefing on the 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) An explanation of the tradeoffs associated with the use of Department of Defense resources for hunt forward missions in the context of competing priorities.

(C) Such recommendations as the Secretary may have for legislative action to improve the effectiveness of hunt forward missions.

SEC. 1613. MODIFICATION OF SCOPE OF NOTIFICATION REQUIREMENTS FOR SENSITIVE MILITARY CYBER OPERATIONS.

Subsection (c) of section 395 of title 10, United States Code, is amended to read as follows:

''(c) SENSITIVE MILITARY CYBER OPERATION DEFINED.—(1) In this section, the term 'sensitive military cyber operation' means an action described in paragraph (2) that—

''(A) is carried out by the armed forces of the United States;

''(B) is intended to achieve a cyber effect against a foreign terrorist organization or a country, including its armed forces and the proxy forces of that country located elsewhere —

''(i) with which the armed forces of the United States are not involved in hostilities (as that term is used in section 4 of the War Powers Resolution (50 U.S.C. 1543)); or

''(ii) with respect to which the involvement of the armed forces of the United States in hostilities has not been acknowledged publicly by the United States; and

''(C)(i) is determined to—

''(I) have a medium or high collateral effects estimate;

''(II) have a medium or high intelligence gain or loss;

''(III) have a medium or high probability of political retaliation, as determined by the political military assessment contained within the associated concept of operations;

''(IV) have a medium or high probability of detection when detection is not intended; or

''(V) result in medium or high collateral effects; or

''(ii) is a matter the Secretary determines to be appropriate.

''(2) The actions described in this paragraph are the following:

''(A) An offensive cyber operation.

''(B) A defensive cyber operation.''.

SEC. 1614. MODIFICATION OF REQUIREMENTS FOR QUARTERLY DEPARTMENT OF DEFENSE CYBER OPERATIONS BRIEFINGS FOR CONGRESS.

Section 484 of title 10, United States Code, is amended by striking subsections (a) and (b) and inserting the following new subsections:

''(a) BRIEFINGS REQUIRED.—The Under Secretary of Defense for Policy, the Commander of United States Cyber Command, and the Chairman of the Joint Chiefs of Staff, or designees from each of their offices, shall provide to the congressional defense committees quarterly briefings on all offensive and significant defensive military operations in cyberspace, including clandestine cyber activities, carried out by the Department of Defense during the immediately preceding quarter.

''(b) ELEMENTS.—Each briefing under subsection (a) shall include, with respect to the military operations in cyberspace described in such subsection, the following:

''(1) An update, set forth separately for each applicable geographic and functional command, that describes the operations carried out in the area of operations of that command or by that command.

''(2) An update, set forth for each applicable geographic and functional command, that describes defensive cyber operations executed to protect or defend forces, networks, and equipment in the area of operations of that command.

''(3) An update on relevant authorities and legal issues applicable to operations, including any presidential directives and delegations of authority received since the last quarterly update.

''(4) An overview of critical operational challenges posed by major adversaries or encountered in operational activities conducted since the last quarterly update.

''(5) An overview of the readiness of the Cyber Mission Forces to perform assigned missions that—

''(A) addresses all of the abilities of such Forces 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.

''(6) Any other matters that the briefers determine to be appropriate.

''(c) DOCUMENTS.—Each briefing under subsection (a) shall include a classified placemat, summarizing the elements specified in paragraphs (1), (2), (3), and (5) of subsection (b), and an unclassified memorandum, summarizing the briefing's contents.''.

SEC. 1615. RATIONALIZATION AND INTEGRATION OF PARALLEL CYBERSECURITY ARCHITECTURES AND OPERATIONS.

(a) REVIEW REQUIRED.—The Commander of United States Cyber Command, with support from the Chief Information Officer of the Department of Defense, the Chief Data Officer of the Department, the Principal Cyber Advisor, the Vice Chairman of the Joint Chiefs of Staff, and the Director of Cost Analysis and Program Evaluation, shall conduct a review of the Cybersecurity Service Provider and Cyber Mission Force enterprises.

(b) ASSESSMENT AND IDENTIFICATION OF REDUNDANCIES AND GAPS.—The review required by subsection (a) shall assess and identify—

(1) the optimal way to integrate the Joint Cyber Warfighting Architecture and the Cybersecurity Service Provider architectures, associated tools and capabilities, and associated concepts of operations;

(2) redundancies and gaps in network sensor deployment and data collection and analysis for the—

(A) Big Data Platform;

(B) Joint Regional Security Stacks; and

(C) Security Information and Event Management capabilities;

(3) where integration, collaboration, and interoperability are not occurring that would improve outcomes;

(4) baseline training, capabilities, competencies, operational responsibilities, and joint concepts of operations for the Joint Force Headquarters for the Department of Defense Information Network, Cybersecurity Service Providers, and Cyber Protection Teams;

(5) the roles and responsibilities of the Principal Cyber Advisor, Chief Information Officer, and the Commander of United States Cyber Command in establishing and overseeing the baselines assessed and identified under paragraph (4);

(6) the optimal command structure for the military services' and combatant commands' cybersecurity service providers and cyber protection teams;

(7) the responsibilities of network owners and cybersecurity service providers in mapping, configuring, instrumenting, and deploying sensors on networks to best support response of cyber protection teams when assigned to defend unfamiliar networks; and

(8) operational concepts and engineering changes to enhance remote access and operations of cyber protection teams on networks through tools and capabilities of the Cybersecurity Service Providers.

(c) RECOMMENDATIONS FOR FISCAL YEAR 2023 BUDGET.—The Chief Information Officer,

the Chief Data Officer, the Commander of United States Cyber Command, and the Principal Cyber Advisor shall jointly develop recommendations for the Secretary of Defense in preparation of the budget justification materials to be submitted to Congress in support of the budget for the Department of Defense for fiscal year 2023 (as submitted with the budget of the President for such fiscal year under section 1105(a) of title 31, United States Code).

(d) PROGRESS BRIEFING.—Not later than March 31, 2021, the Chief Information Officer, the Chief Data Officer, the Commander of United States Cyber Command, and the Principal Cyber Advisor shall jointly provide a briefing to the congressional defense committees on the progress made in carrying out this section.

SEC. 1616. MODIFICATION OF ACQUISITION AUTHORITY OF COMMANDER OF 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—

(1) by striking subsections (e) and (i); and

(2) by redesignating subsections (f) through (h) as subsections (e) through (g), respectively.

SEC. 1617. ASSESSMENT OF CYBER OPERATIONAL PLANNING AND DECONFLICTION POLICIES AND PROCESSES.

(a) ASSESSMENT.—Not later than November 1, 2021, the Principal Cyber Advisor of the Department of Defense and the Commander of United States Cyber Command shall jointly, in coordination with the Under Secretary of Defense for Policy, the Under Secretary of Defense for Intelligence and Security, and the Chairman of the Joint Chiefs of Staff, conduct and complete an assessment on the operational planning and deconfliction policies and processes that govern cyber operations of the Department of Defense.

(b) ELEMENTS.—The assessment required by subsection (a) shall include evaluations as to whether—

(1) the joint targeting cycle and relevant operational and targeting databases are suitable for the conduct of timely and well-coordinated cyber operations;

(2) each of the policies and processes in effect to facilitate technical, operational, and capability deconfliction are appropriate for the conduct of timely and effective cyber operations;

(3) intelligence gain-loss decisions made by Cyber Command are sufficiently well-informed and made in timely fashion;

(4) relevant intelligence data and products are consistently available and distributed to relevant planning and operational elements in Cyber Command;

(5) collection operations and priorities meet the operational requirements of Cyber Command; and

(6) authorities relevant to intelligence, surveillance, and reconnaissance and operational preparation of the environment are delegated to the appropriate level.

(c) BRIEFING.—Not later than February 1, 2022, the Principal Cyber Advisor and the Commander of United States Cyber Command shall provide to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a briefing on the findings of the assessment completed under subsection (a), including discussion of planned policy and process changes, if any, relevant to cyber operations.

SEC. 1618. PILOT PROGRAM ON CYBERSECURITY CAPABILITY METRICS.

(a) PILOT PROGRAM REQUIRED.—The Secretary of Defense, acting through the Chief Information Officer of the Department of Defense and the Commander of United States Cyber Command, shall conduct a pilot program to assess the feasibility and advisability of developing and using speed-based metrics to measure the performance and effectiveness of security operations centers and cyber security service providers in the Department of Defense.

(b) REQUIREMENTS.—

(1) DEVELOPMENT OF METRICS.—(A) Not later than July 1, 2021, the Chief Information Officer and the Commander shall jointly develop metrics described in subsection (a) to carry out the pilot program under such subsection.

(B) The Chief Information Officer and the Commander shall ensure that the metrics developed under subparagraph (A) are commensurate with the representative timelines of nation-state and non-nation-state actors when gaining access to, and compromising, Department networks.

(2) USE OF METRICS.—(A) Not later than December 1, 2021, the Secretary shall, in carrying out the pilot program required by subsection (a), begin using the metrics developed under paragraph (1) of this subsection to assess select security operations centers and cyber security service providers, which the Secretary shall select specifically for purposes of the pilot program, for a period of not less than four months.

(B) In carrying out the pilot program under subsection (a), the Secretary shall evaluate the effectiveness of operators, capabilities available to operators, and operators' tactics, techniques, and procedures.

(c) AUTHORITIES.—In carrying out the pilot program under subsection (a), the Secretary may—

(1) assess select security operations centers and cyber security service providers—

(A) over the course of their mission performance; or

(B) in the testing and accreditation of cybersecurity products and services on test networks designated pursuant to section 1658 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92); and

(2) assess select elements' use of security orchestration and response technologies, modern endpoint security technologies, Big Data Platform instantiations, and technologies relevant to zero trust architectures.

(d) BRIEFING.—

(1) IN GENERAL.—Not later than March 1, 2022, the Secretary shall brief the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives on the findings of the Secretary with respect to the pilot program required by subsection (a).

(2) ELEMENTS.—The briefing provided under paragraph (1) shall include the following:

(A) The pilot metrics developed under subsection (b)(1).

(B) The findings of the Secretary with respect to the assessments carried out under subsection (b)(2).

(C) An analysis of the utility of speed-based metrics in assessing security operations centers and cyber security service providers.

(D) An analysis of the utility of the extension of the pilot metrics to or speed-based assessment of the Cyber Mission Forces.

(E) An assessment of the technical and procedural measures that would be necessary to meet the speed-based metrics developed and applied in the pilot program.

SEC. 1619. ASSESSMENT OF EFFECT OF INCONSISTENT TIMING AND USE OF NETWORK ADDRESS TRANSLATION IN DEPARTMENT OF DEFENSE NETWORKS.

(a) IN GENERAL.—Not later than March 1, 2021, the Chief Information Officer of the Department of Defense shall conduct comprehensive assessments as follows:

(1) TIMING VARIABILITY IN DEPARTMENT NETWORKS.—The Chief Information Officer shall characterize—

(A) timing variability across Department information technology and operational technology networks, appliances, devices, applications, and sensors that generate time-stamped data and metadata used for cybersecurity purposes;

(B) how timing variability affects current, planned, and potential capabilities for detecting network intrusions that rely on correlating events and the sequence of events; and

(C) how to harmonize standard of timing across Department networks.

(2) USE OF NETWORK ADDRESS TRANSLATION.—The Chief Information Officer shall characterize—

(A) why and how the Department is using Network Address Translation (NAT) and multiple layers and nesting of Network Address Translation;

(B) how using Network Address Translation affects the ability to link malicious communications detected at various network tiers to specific endpoints or hosts to enable prompt additional investigations, quarantine decisions, and remediation activities; and

(C) what steps and associated cost and schedule are necessary to eliminate the use of Network Address Translation or to otherwise provide transparency to network defenders, including options to accelerate the transition from Internet Protocol version 4 to Internet Protocol version 6.

(b) RECOMMENDATION.—The Chief Information Officer and the Principal Cyber Advisor shall submit to the Secretary of Defense a recommendation to address the assessments conducted under subsection (a), including whether and how to revise the cyber strategy of the Department.

(c) BRIEFING.—Not later than April 1, 2021, the Chief Information Officer shall brief the congressional defense committees on the findings of the Chief Information Officer with respect to the assessments conducted under subsection (a) and the recommendation submitted under subsection (b).

SEC. 1620. MATTERS CONCERNING THE COLLEGE OF INFORMATION AND CYBERSPACE AT NATIONAL DEFENSE UNIVERSITY.

(a) PROHIBITION.—The Secretary of Defense may not eliminate, divest, downsize, or reorganize the College of Information and Cyberspace of the National Defense University, or seek to reduce the number of students educated at the College, until 30 days after the date on which the congressional defense committees receive the report required by subsection (c).

(b) ASSESSMENT, DETERMINATION, AND REVIEW.—The Under Secretary of Defense for Policy, in consultation with the Under Secretary of Defense for Personnel and Readiness, the Principal Cyber Advisor, the Principal Information Operations Advisor of the Department of Defense, the Chief Information Officer of the Department, the Chief Financial Officer of the Department, the Chairman of the Joint Chiefs of Staff, and the Commander of United States Cyber Command, shall—

(1) assess requirements for joint professional military education and civilian leader education in the information environment and cyberspace domain to support the Department and other national security institutions of the Federal Government;

(2) determine whether the importance, challenges, and complexity of the modern information environment and cyberspace domain warrant—

(A) a college at the National Defense University, or a college independent of the National Defense University whose leadership

is responsible to the Office of the Secretary of Defense; and

(B) the provision of resources, services, and capacity at levels that are the same as, or decreased or enhanced in comparison to, those resources, services, and capacity in place at the College of Information and Cyberspace on January 1, 2019;

(3) review the plan proposed by the National Defense University for eliminating the College of Information and Cyberspace and reducing and restructuring the information and cyberspace faculty, course offerings, joint professional military education and degree and certificate programs, and other services provided by the College; and

(4) assess the changes made to the College of Information and Cyberspace since January 1, 2019, and the actions necessary to reverse those changes, including relocating the College and its associated budget, faculty, staff, students, and facilities outside of the National Defense University.

(c) REPORT REQUIRED.—Not later than February 1, 2021, the Secretary shall submit to the congressional defense committees a report on—

(1) the findings of the Secretary with respect to the assessments, determination, and review conducted under subsection (b); and

(2) such recommendations as the Secretary may have for higher education in the information environment and cyberspace domain.

SEC. 1621. MODIFICATION OF MISSION OF CYBER COMMAND AND ASSIGNMENT OF CYBER OPERATIONS FORCES.

Section 167b of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in the first sentence, by inserting ''(1)'' before ''With the advice'';

(B) in paragraph (1), as designated by subparagraph (A), by striking the second sentence; and

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

''(2) The principal mission of the cyber command is to direct, synchronize, and coordinate cyber planning and operations to defend and advance national interests in collaboration with domestic and international partners.''; and

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

''(b) ASSIGNMENT OF FORCES.—(1) Active and reserve cyber forces of the armed forces shall be assigned to the cyber command through the Global Force Management Process, as approved by the Secretary of Defense.

''(2) Cyber forces not assigned to cyber command remain assigned to combatant commands or service-retained.''.

SEC. 1622. INTEGRATION OF DEPARTMENT OF DEFENSE USER ACTIVITY MONITORING AND CYBERSECURITY.

(a) INTEGRATION OF PLANS, CAPABILITIES, AND SYSTEMS.—The Secretary of Defense shall integrate the plans, capabilities, and systems for user activity monitoring, and the plans, capabilities, and systems for endpoint cybersecurity and the collection of metadata on network activity for cybersecurity to enable mutual support and information sharing.

(b) REQUIREMENTS.—In carrying out subsection (a), the Secretary shall—

(1) consider using the Big Data Platform instances that host cybersecurity metadata for storage and analysis of all user activity monitoring data collected across the Department of Defense Information Network at all security classification levels;

(2) develop policies and procedures governing access to user activity monitoring data or data derived from user activity monitoring by cybersecurity operators; and

(3) develop processes and capabilities for using metadata on host and network activity for user activity monitoring in support of the insider threat mission.

(c) CONGRESSIONAL BRIEFING.—Not later than October 1, 2021, the Secretary shall provide a briefing to the congressional defense committees on actions taken to carry out this section.

SEC. 1623. DEFENSE INDUSTRIAL BASE CYBERSECURITY SENSOR ARCHITECTURE PLAN.

(a) PLAN REQUIRED.—Not later than February 1, 2021, the Principal Cyber Advisor of the Department of Defense, in consultation with the Chief Information Officer of the Department, the Under Secretary of Defense for Acquisition and Sustainment, the Under Secretary of Defense for Intelligence and Security, and the Commander of United States Cyber Command, shall develop a comprehensive plan for the deployment of commercial-off-the-shelf solutions on supplier networks to monitor the public-facing Internet attack surface in the defense industrial base.

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

(1) Definition of an architecture, concept of operations, and governance structure that—

(A) will allow for the instrumentation and collection of cybersecurity data on the public-facing Internet attack surfaces of defense industrial base contractors in a manner that is compatible with the Department's existing or future capabilities for analysis, and instrumentation and collection, as appropriate, of cybersecurity data within the Department of Defense Information Network;

(B) includes the expected scale, schedule, and guiding principles of deployment;

(C) is consistent with the defense industrial base cybersecurity policies and programs of the Under Secretary of Defense for Acquisition and Sustainment and the Chief Information Officer; and

(D) includes an acquisition strategy for sensor capabilities that optimizes required capability, scalability, cost, and intelligence and cybersecurity requirements.

(2) Roles and responsibilities of the persons referred to in subsection (a) in implementing and executing the plan.

(c) CONSULTATION.—In developing the plan required by subsection (a), the Principal Cyber Advisor shall ensure that extensive consultation with representative companies of the defense industrial base occurs so as to ensure that prospective participants in the defense industrial base understand and agree that emerging solutions are acceptable, practical, and effective.

(d) BRIEFING.—Not later than March 1, 2021, the Principal Cyber Advisor shall provide a briefing to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives on the plan developed pursuant to subsection (a).

SEC. 1624. EXTENSION OF CYBERSPACE SOLARIUM COMMISSION TO TRACK AND ASSESS IMPLEMENTATION.

Section 1652 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), as amended by section 1639 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), is further amended—

(1) in subsection (b)(1)(B)—

(A) in clause (i), by striking ''under clauses (iv) through (vii) of subparagraph (A)'' and inserting ''under clauses (v) through (viii) of subparagraph (A)''; and

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

''(iv) Effective on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2021, the composition of the Commission shall not include clauses (i) through (iv) of subparagraph (A).'';

(2) in subsection (d)(2), by striking ''Seven members shall'' and inserting ''Seven members, during the period beginning on the date of the establishment of the Commission and ending on the day before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2021, and six members, during the period beginning on the date of the enactment of such Act and ending on the date of the termination of the Commission, shall'';

(3) in subsection (i)(1)(B)—

(A) by striking ''Members of the Commission who'' inserting ''(i) During the period beginning on the date of the establishment of the Commission and ending on the day before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2021, members of the Commission who''; and

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

''(ii) During the period beginning on the date of the enactment of such Act and ending on the date of the termination of the Commission, members of the Commission who are Members of Congress shall receive no additional pay by reason of their service on the Commission.''; and

(4) in subsection (k)(2)—

(A) in subparagraph (A), by striking ''120 day period'' and inserting ''16 month period with no further extensions permitted'';

(B) by amending subparagraph (B) to read as follows:

''(B) The Commission may use the 16 month period referred to in subparagraph (A) for the purposes of—

''(i) collecting and assessing comments and feedback from the Federal departments and agencies, as well as published reviews, on the analysis and recommendations contained in the final report under paragraph (1);

''(ii) collecting and assessing any developments in cybersecurity that may affect the recommendations in such report;

''(iii) reviewing the implementation of the recommendations contained in such report; and

''(iv) revising or amending recommendations based on the assessments and reviews conducted under clauses (i) through (iii);

''(C) During the 16 month period referred to in subparagraph (A), the Commission shall—

''(i) provide, in such manner and format as the Commission considers appropriate, an annual update on such report and any revisions or amendments reached by the Commission under subparagraph (B)(iv) to—

''(I) the Committee on Armed Services, the Select Committee on Intelligence, and the Committee on Homeland Security and Governmental Affairs of the Senate;

''(II) the Committee on Armed Services, the Permanent Select Committee on Intelligence, and the Committee on Homeland Security of the House of Representatives;

''(III) the Director of National Intelligence;

''(IV) the Secretary of Defense; and

''(V) the Secretary of Homeland Security; and

''(ii) conclude its activities, including providing testimony to Congress concerning the final report under paragraph (1) and disseminating such report.''; and

(C) by adding at the end the following new subparagraph:

''(D) In the event that the Commission is extended, and the effective date of the extension comes after the time set for the Commission's termination, the Commission shall be deemed reconstituted with the same members and powers that existed at the time of termination of the Commission, except that—

''(i) a member of the Commission shall only serve if the member's position continues to be authorized under subsection (b);

''(ii) no compensation or entitlements relating to a person's status with the Commission shall be due for the period between the termination and reconstitution of the Commission;

''(iii) nothing in this paragraph shall be deemed as requiring the extension or reemployment of any staff member or contractor working for the Commission;

''(iv) the staff of the commission—

''(I) shall be selected by the co-chairs of the Commission in accordance with subsection (h)(1);

''(II) shall be comprised of not more than four individuals, including a staff director;

''(III) shall be resourced in accordance with subsection (g)(4)(A); and

''(IV) with the approval of the co-chairs, may be provided by contract with a nongovernmental organization;

''(v) any unexpended funds made available for the use of the Commission shall continue to be available for use for the life of the Commission, as well as any additional funds appropriated to the Department of Defense that are made available to the Commission, provided that the total such funds does not exceed $1,000,000 from the reconstitution of the Commission to the completion of the Commission; and

''(vi) the requirement for an annual assessment of the final report in subsection (l) shall be in effect until the termination of the Commission.''.

SEC. 1625. REVIEW OF REGULATIONS AND PROMULGATION OF GUIDANCE RELATING TO NATIONAL GUARD RESPONSES TO CYBER ATTACKS.

(a) IN GENERAL.—Not later than December 31, 2021, the Secretary of Defense, in coordination with the Secretary of Homeland Security, shall—

(1) review and, if the Secretary determines necessary, update regulations promulgated under section 903 of title 32, United States Code, to clarify when and under what conditions the participation of the National Guard in a response to a cyber attack qualifies as a homeland defense activity that would be compensated for by the Secretary of Defense under section 902 of such title; and

(2) promulgate guidance on how units of the National Guard shall collaborate with the Cybersecurity and Infrastructure Security Agency and the Federal Bureau of Investigation through multi-agency task forces, information-sharing groups, incident response planning and exercises, State fusion centers, and other relevant forums and activities.

(b) ANNEX OF NATIONAL CYBER INCIDENT RESPONSE PLAN.—Not later than December 31, 2021, the Secretary of Homeland Security, in coordination with the Secretary of Defense, shall develop an annex to the National Cyber Incident Response Plan that details those regulations and guidance reviewed, updated, and promulgated under paragraphs (1) and (2) of subsection (a).

SEC. 1626. IMPROVEMENTS RELATING TO THE QUADRENNIAL CYBER POSTURE REVIEW.

Section 1644(c) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91), as amended by section 1635 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), is further amended—

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

''(1) The assessment and definition of the role of cyber forces in the national defense and military strategies of the United States.'';

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

''(2) Review of the following:

''(A) The role of cyber operations in combatant commander warfighting plans.

''(B) The ability of combatant commanders to respond to adversary cyber attacks.

''(C) The cyber capacity-building programs of the Department.'';

(3) by amending paragraph (3) to read as follows:

''(3) A review of the law, policies, and authorities relating to, and necessary for, the United States to maintain a safe, reliable, and credible cyber posture for defending against and responding to cyber attacks and for deterrence in cyberspace, including the following:

''(A) An assessment of the need for further delegation of cyber-related authorities, including those germane to information warfare, to the Commander of United States Cyber Command.

''(B) An evaluation of the adequacy of mission authorities for all cyber-related military components, defense agencies, directorates, centers, and commands.'';

(4) in paragraph (4), by striking ''A declaratory'' and inserting ''A review of the need for or for updates to a declaratory'';

(5) in paragraph (5), by striking ''Proposed'' and inserting ''A review of'';

(6) by amending paragraph (6) to read as follows:

''(6) A review of a strategy to deter, degrade, or defeat malicious cyber activity targeting the United States (which may include activities, capability development, and operations other than cyber activities, cyber capability development, and cyber operations), including—

''(A) a review and assessment of various approaches to competition and deterrence in cyberspace, determined in consultation with experts from Government, academia, and industry;

''(B) a comparison of the strengths and weaknesses of the approaches identified pursuant to subparagraph (A) relative to the threat of each other; and

''(C) an assessment as to how the cyber strategy will inform country-specific campaign plans focused on key leadership of Russia, China, Iran, North Korea, and any other country the Secretary considers appropriate.'';

(7) by striking paragraph (8) and inserting the following new paragraph (8):

''(8) A comprehensive force structure assessment of the Cyber Operations Forces of the Department for the posture review period, including the following:

''(A) A determination of the appropriate size and composition of the Cyber Mission Forces to accomplish the mission requirements of the Department.

''(B) An assessment of the Cyber Mission Forces' personnel, capabilities, equipment, funding, operational concepts, and ability to execute cyber operations in a timely fashion.

''(C) An assessment of the personnel, capabilities, equipment, funding, and operational concepts of Cybersecurity Service Providers and other elements of the Cyber Operations Forces.'';

(8) by redesignating paragraphs (9) through (11) as subsections (12) through (15), respectively; and

(9) by inserting after paragraph (8), the following new paragraphs:

''(9) An assessment of whether the Cyber Mission Force has the appropriate level of interoperability, integration, and interdependence with special operations and conventional forces.

''(10) An evaluation of the adequacy of mission authorities for the Joint Force Provider and Joint Force Trainer responsibilities of United States Cyber Command, including the adequacy of the units designated as Cyber Operations Forces to support such responsibilities.

''(11) An assessment of the missions and resourcing of the combat support agencies in support of cyber missions of the Department.''.

SEC. 1627. REPORT ON ENABLING UNITED STATES CYBER COMMAND RESOURCE ALLOCATION.

(a) IN GENERAL.—Not later than January 15, 2021, the Secretary of Defense shall submit to the congressional defense committees a report detailing the actions the Secretary will undertake to implement clauses (ii) and (iii) of section 167b(d)(2) of title 10, United States Code, including actions to ensure that the Commander of United States Cyber Command has enhanced authority, direction, and control of the Cyber Operations Forces and the equipment budget that enables Cyber Operations Forces' operations and readiness, beginning with the budget to be submitted to Congress by the President under section 1105(a) of title 31, United States Code, for fiscal year 2024, and the budget justification materials for the Department of Defense to be submitted to Congress in support of such budget.

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

(1) The procedures by which the Principal Cyber Advisor (PCA) will exercise authority, direction, and oversight over the Commander of United States Cyber Command, with respect to Cyber Operations Forces-peculiar equipment and resources.

(2) The procedures by which the Commander of United States Cyber Command will—

(A) prepare and submit to the Secretary program recommendations and budget proposals for Cyber Operations Forces and for other forces assigned to the Cyber Command; and

(B) exercise authority, direction, and control over the expenditure of funds for—

(i) forces assigned to United States Cyber Command; and

(ii) Cyber Operations Forces assigned to other unified combatant commands.

(3) Recommendations for actions to enable the Commander of United States Cyber Command to execute the budget and acquisition responsibilities of the Commander in excess of currently imposed limits on the Cyber Operations Procurement Fund, including potential increases in personnel to support the Commander.

(4) The procedures by which the Secretary will categorize and track funding obligated or expended for Cyber Operations Forces-peculiar equipment and capabilities.

(5) The methodology and criteria by which the Secretary will characterize equipment as being Cyber Operations Forces-peculiar.

SEC. 1628. EVALUATION OF OPTIONS FOR ESTABLISHING A CYBER RESERVE FORCE.

(a) EVALUATION REQUIRED.—Not later than December 31, 2021, the Secretary of Defense shall conduct an evaluation of options for establishing a cyber reserve force.

(b) ELEMENTS.—The evaluation conducted under subsection (a) shall include assessment of the following:

(1) The capabilities and deficiencies in military and civilian personnel with needed cybersecurity expertise, and the quantity of personnel with such expertise, within the Department.

(2) The potential for a uniformed, civilian, or mixed cyber reserve force to remedy shortfalls in expertise and capacity.

(3) The ability of the Department to attract the personnel with the desired expertise to either a uniformed or civilian cyber reserve force.

(4) The number of personnel, the level of funding, and the composition of a cyber reserve force that would be required to meet the needs of the Department.

(5) Alternative models for establishing a cyber reserve force, including the following:

(A) A traditional uniformed military reserve component.

(B) A nontraditional uniformed military reserve component, with respect to drilling and other requirements such as grooming and physical fitness.

(C) Nontraditional civilian cyber reserve options.

(6) The impact a uniformed military cyber reserve would have on active duty and existing reserve forces, including the following:

(A) Recruiting.

(B) Promotion.

(C) Retention.

(7) The effect a civilian cyber reserve would have on active duty and existing reserve forces, and the private sector.

(c) REPORT.—Not later than February 1, 2022, the Secretary shall submit to the congressional defense committees a report on the evaluation conducted under subsection (a).

SEC. 1629. ENSURING CYBER RESILIENCY OF NUCLEAR COMMAND AND CONTROL SYSTEM.

(a) PLAN FOR IMPLEMENTATION OF FINDINGS AND RECOMMENDATIONS FROM FIRST ANNUAL ASSESSMENT OF CYBER RESILIENCY OF NUCLEAR COMMAND AND CONTROL SYSTEM.—Not later than October 1, 2021, the Secretary of Defense shall submit to the congressional defense committees a comprehensive plan, including a schedule and resourcing plan, for the implementation of the findings and recommendations included in the first report submitted under section 499(c)(3) of title 10, United States Code.

(b) CONCEPT OF OPERATIONS AND OVERSIGHT MECHANISM FOR CYBER DEFENSE OF NUCLEAR COMMAND AND CONTROL SYSTEM.—Not later than October 1, 2021, the Secretary shall develop and establish—

(1) a concept of operations for defending the nuclear command and control system against cyber attacks, including specification of the—

(A) roles and responsibilities of relevant entities within the Office of the Secretary, the military services, combatant commands, the Defense Agencies, and the Department of Defense Field Activities; and

(B) cybersecurity capabilities to be acquired and employed and operational tactics, techniques, and procedures, including cyber protection team and sensor deployment strategies, to be used to monitor, defend, and mitigate vulnerabilities in nuclear command and control systems; and

(2) an oversight mechanism or governance model for overseeing the implementation of the concept of operations developed and established under paragraph (1), related development, systems engineering, and acquisition activities and programs, and the plan required by subsection (a), including specification of the—

(A) roles and responsibilities of relevant entities within the Office of the Secretary, the military services, combatant commands, the Defense Agencies, and the Department of Defense Field Activities in overseeing the defense of the nuclear command and control system against cyber attacks;

(B) responsibilities and authorities of the Strategic Cybersecurity Program in overseeing and, as appropriate, executing—

(i) vulnerability assessments; and

(ii) development, systems engineering, and acquisition activities; and

(C) processes for coordination of activities, policies, and programs relating to the cybersecurity and defense of the nuclear command and control system.

SEC. 1630. MODIFICATION OF REQUIREMENTS RELATING TO THE STRATEGIC CYBERSECURITY PROGRAM AND THE EVALUATION OF CYBER VULNERABILITIES OF MAJOR WEAPON SYSTEMS OF THE DEPARTMENT OF DEFENSE.

(a) EVALUATION OF CYBER VULNERABILITIES OF MAJOR WEAPON SYSTEMS OF THE DEPARTMENT OF DEFENSE.—

(1) IN GENERAL.—Section 1647 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92), as amended by section 1633 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), is further amended by adding at the end the following new subsection:

''(i) ESTABLISHING REQUIREMENTS FOR PERIODICITY OF VULNERABILITY REVIEWS.—The Secretary of Defense shall establish policies and requirements for each major weapon system, and the priority critical infrastructure essential to the proper functioning of major weapon systems in broader mission areas, to be re-assessed for cyber vulnerabilities, taking into account upgrades or other modifications to systems and changes in the threat.

''(j) IDENTIFICATION OF SENIOR OFFICIAL.—Each secretary of a military department shall identify a senior official who shall be responsible for ensuring that cyber vulnerability assessments and mitigations for weapon systems and critical infrastructure are planned, funded, and carried out.''.

(2) TECHNICAL CORRECTION.—Such section 1647 of the National Defense Authorization Act for Fiscal Year 2016 is further amended—

(A) by redesignating subsection (g) as subsection (h); and

(B) by redesignating the second subsection (f), as added by section 1633 of the National Defense Authorization Act for Fiscal Year 2020, as subsection (g).

(b) STRATEGIC CYBERSECURITY PROGRAM.—Section 1640 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2224 note), is amended by striking subsections (a) through (e) and inserting the following new subsections:

''(a) IN GENERAL.—Not later than August 1, 2021, the Secretary of Defense shall, acting through the Director of the National Security Agency and in coordination with the Vice Chairman of the Joint Chiefs of Staff, establish a program to be known as the 'Strategic Cybersecurity Program' (in this section referred to as the 'Program').

''(b) ELEMENTS.—

''(1) IN GENERAL.—The Program shall be comprised of personnel assigned to the Program by the Secretary from among personnel, including regular and reserve members of the Armed Forces, civilian employees of the Department of Defense (including the Defense intelligence agencies), and personnel of the research laboratories of the Department of Defense and the Department of Energy, who have particular expertise in the areas of responsibility described in subsection (c).

''(2) DEPARTMENT OF ENERGY PERSONNEL.—Any personnel assigned to the Program from among personnel of the Department of Energy shall be so assigned with the concurrence of the Secretary of Energy.

''(3) PROGRAM MANAGER.—The Secretary of Defense shall designate a manager for the Program (in this section referred to as the 'Program manager').

''(c) RESPONSIBILITIES.—

''(1) IN GENERAL.—The Program manager and the personnel assigned to the Program shall improve the end-to-end cybersecurity of all of the systems, critical infrastructure, kill chains, and processes that make up the following military missions of the Department of Defense:

''(A) Nuclear deterrence and strike.

''(B) Select long-range conventional strike missions germane to the warfighting plans of United States European Command and United States Indo-Pacific Command.

''(C) Offensive cyber operations.

''(D) Homeland missile defense.

''(2) ASSESSING AND REMEDIATING VULNERABILITIES IN MISSION EXECUTION.—In carrying out the activities described in paragraph (1), the Program manager shall conduct end-to-end vulnerability assessments and undertake or oversee remediation of identified vulnerabilities in the systems and processes on which the successful execution of the missions delineated in paragraph (1) depend.

''(3) ACQUISITION AND SYSTEMS ENGINEERING REVIEW.—In carrying out paragraph (1), the Program manager shall conduct appropriate reviews of acquisition and systems engineering plans for proposed systems and infrastructure. The review of an acquisition plan for any proposed system or infrastructure shall be carried out before Milestone B approval for such system or infrastructure.

''(d) INTEGRATION WITH OTHER EFFORTS.—The Secretary shall ensure that the Program builds upon, and does not duplicate, other efforts of the Department of Defense relating to cybersecurity, including the following:

''(1) The evaluation of cyber vulnerabilities of major weapon systems of the Department of Defense required under section 1647 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92).

''(2) The evaluation of cyber vulnerabilities of Department of Defense critical infrastructure required under section 1650 of the National Defense Authorization Act for Fiscal year 2017 (Public Law 114–328; 10 U.S.C. 2224 note).

''(3) The activities of the cyber protection teams of the Department of Defense.

''(e) MISSION DEFINITION.—The Vice Chairman of the Joint Chiefs of Staff shall coordinate with the Director of the National Security Agency and the commanders of the unified combatant commands to define the elements of the missions that will be included in the Program, and shall be responsible for updating those definitions as necessary.

''(f) BRIEFING.—Not later than December 1, 2021, the Secretary of Defense shall provide a briefing to the congressional defense committees on the establishment of the Program, and the plans, funding, and staffing of the Program.''.

SEC. 1631. DEFENSE INDUSTRIAL BASE PARTICIPATION IN A CYBERSECURITY THREAT INTELLIGENCE SHARING PROGRAM.

(a) DEFENSE INDUSTRIAL BASE THREAT INTELLIGENCE PROGRAM.—

(1) IN GENERAL.—The Secretary of Defense shall establish a threat intelligence sharing program to share threat intelligence with, and obtain threat intelligence from, the defense industrial base.

(2) PROGRAM REQUIREMENTS.—At a minimum, the Secretary shall ensure that the program established pursuant to paragraph (1) includes the following:

(A) Cybersecurity incident reporting requirements applicable to the defense industrial base that—

(i) extend beyond mandatory incident reporting requirements in effect on the day before the date of the enactment of this Act;

(ii) set specific timeframes for all categories of incident reporting;

(iii) establishes a single clearinghouse for all mandatory incident reporting to the Department of Defense, including incidents involving covered unclassified information, and classified information; and

(iv) provide that, unless authorized or required by another provision of law or the element of the defense industrial base making

the report consents, nonpublic information of which the Department becomes aware only because of a report provided pursuant to the program shall be disseminated and used only for a cybersecurity purpose, as defined in section 102 of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501).

(B) A mechanism for developing a shared and real-time picture of the threat environment.

(C) Joint, collaborative, and co-located analytics.

(D) Investments in technology and capabilities to support automated detection and analysis across the defense industrial base.

(E) Coordinated intelligence tipping, sharing, and deconfliction, as necessary, with relevant government agencies with similar intelligence sharing programs.

(b) THREAT INTELLIGENCE PROGRAM PARTICIPATION.—

(1) PROCUREMENT.—The Secretary either may require or shall encourage and provide incentive for companies to participate in the threat intelligence sharing program required by subsection (a).

(2) IMPLEMENTATION.—In implementing paragraph (1), the Secretary shall—

(A) create tiers of requirements for participation within the program based on—

(i) the role of and relative threats related to entities within the defense industrial base; and

(ii) Cybersecurity Maturity Model Certification level; and

(B) prioritize available funding and technical support to assist affected businesses, institutions, and organizations as is reasonably necessary for those affected entities to commence participation in the threat intelligence sharing program and to meet any applicable program requirements.

(c) EXISTING INFORMATION SHARING PROGRAMS.—The Secretary may utilize an existing Department information sharing program to satisfy the requirement in subsection (a) if—

(1) the existing program includes, or is modified to include, two-way sharing of threat information that is specifically relevant to the defense industrial base; and

(2) such a program is coordinated with other government agencies with existing intelligence sharing programs where overlap occurs.

(d) REGULATIONS.—

(1) RULEMAKING AUTHORITY.—Not later than December 15, 2021, the Secretary shall promulgate such rules and regulations as are necessary to carry out this section.

(2) CYBERSECURITY MATURITY MODEL CERTIFICATION PROGRAM HARMONIZATION.—The Secretary shall ensure that any intelligence sharing requirements set forth in the rules and regulations promulgated pursuant to paragraph (1) consider an entity's maturity and role within the defense industrial base, consistent with the maturity certification levels established in the Cybersecurity Maturity Model Certification program of the Department.

(e) COMMUNITY CONSENT.—

(1) IN GENERAL.—As part of the program established pursuant to subsection (a), the Secretary either may require through contractual mechanisms or shall encourage entities in the defense industrial base to consent to queries of foreign intelligence collection databases related to the entities, provided that intelligence information provided to companies is handled in a manner that protects sources and methods.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to require that the elements of the intelligence community conduct queries on defense industrial base companies to detect cybersecurity threats to such companies or to require that information resulting from such queries be provided to such companies.

(f) REPORT REQUIRED.—Not later than March 1, 2022, the Secretary shall submit to the congressional defense committees a report that includes a description of—

(1) mandatory requirements levied on defense industrial base entities regarding cyber incidents;

(2) Department procedures for ensuring the confidentiality and security of data provided by such entities to the Department on either a voluntary or mandatory basis; and

(3) any other matters regarding the program established under subsection (a) the Secretary considers significant.

(g) DEFINITIONS.—In this section:

(1) The term ''defense industrial base'' means the Department of Defense, Federal Government, and private sector worldwide industrial complex with capabilities to perform research and development, design, produce, and maintain military weapon systems, subsystems, components, or parts to satisfy military requirements.

(2) The term ''intelligence community'' has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(3) The term ''threat intelligence'' means cybersecurity information collected and shared amongst the defense industrial base.

SEC. 1632. ASSESSMENT ON DEFENSE INDUSTRIAL BASE CYBERSECURITY THREAT HUNTING.

(a) ASSESSMENT REQUIRED.—Not later than December 1, 2021, the Secretary of Defense shall complete an assessment of—

(1) the adequacy of the threat hunting elements of the compliance-based Cybersecurity Maturity Model Certification program of the Department of Defense; and

(2) the need for continuous threat hunting operations on defense industrial base networks conducted by the Department of Defense, prime contractors, or third-party cybersecurity vendors.

(b) ELEMENTS.—The assessment completed under section (a) shall include evaluation of the following:

(1) The adequacy of the requirements at each level of the Cybersecurity Maturity Model Certification, including requirements germane to continuous monitoring, discovery, and investigation of anomalous activity indicative of a cybersecurity incident.

(2) The need for the establishment of a continuous threat-hunting operational model, as a supplement to the cyber hygiene requirements of the Cybersecurity Maturity Model Certification, in which network activity is comprehensively and continuously monitored for signs of compromise.

(3) Whether the continuous threat-hunting operations described in paragraph (2) should be conducted by—

(A) United States Cyber Command;

(B) a component of the Department of Defense other than United States Cyber Command;

(C) qualified prime contractors or subcontractors;

(D) accredited third-party cybersecurity vendors; or

(E) a combination of the entities specified in subparagraphs (A) through (D).

(4) Criteria for the prime contractors and subcontractors that should be subject to continuous threat-hunting operations as described in paragraph (2).

(c) BRIEFING.—Not later than February 1, 2022, the Secretary of Defense shall provide a briefing to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives on—

(1) the findings of the Secretary with respect to the assessment completed under subsection (a); and

(2) such implementation plans as the Secretary may have arising out of the findings described in paragraph (1).

SEC. 1633. ASSESSING RISK TO NATIONAL SECURITY OF QUANTUM COMPUTING.

(a) COMPREHENSIVE ASSESSMENT AND RECOMMENDATIONS REQUIRED.—Not later than December 31, 2022, the Secretary of Defense shall—

(1) complete a comprehensive assessment of the current and potential threats and risks posed by quantum computing technologies to critical national security systems, including—

(A) identification and prioritization of critical national security systems at risk;

(B) assessment of the standards of the National Institute of Standards and Technology for quantum resistant cryptography and their applicability to cryptographic requirements of the Department of Defense;

(C) feasibility of alternative quantum resistant algorithms and features; and

(D) funding shortfalls in public and private developmental efforts relating to quantum resistant cryptography; and

(2) develop recommendations for research, development, and acquisition activities, including resourcing schedules, for securing the national security systems identified in paragraph (1)(A) against quantum computing code-breaking capabilities.

(b) BRIEFING.—Not later than February 1, 2023, the Secretary shall brief the congressional defense committees on the assessment completed under paragraph (1) of subsection (a) and the recommendations developed under paragraph (2) of such subsection.

SEC. 1634. APPLICABILITY OF REORIENTATION OF BIG DATA PLATFORM PROGRAM TO DEPARTMENT OF NAVY.

(a) IN GENERAL.—Section 1651 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended by adding at the end the following new subsection:

''(e) APPLICABILITY.—The requirements of this section shall apply in full to the Department of the Navy, including the Sharkcage and associated programs.''.

(b) BRIEFING.—Not later than January 1, 2021, the Secretary of the Navy, the program manager of the Unified Platform program, the Chief Information Officer, and the Principal Cyber Advisor shall jointly brief the congressional defense committees on the compliance of the Department of the Navy with the requirements of such section, as amended by paragraph (1).

SEC. 1635. EXPANSION OF AUTHORITY FOR ACCESS AND INFORMATION RELATING TO CYBER ATTACKS ON OPERATIONALLY CRITICAL CONTRACTORS OF THE ARMED FORCES.

Section 391(c) of title 10, United States Code, is amended—

(1) by amending paragraph (3) to read as follows:

''(3) ARMED FORCES ASSISTANCE AND ACCESS TO EQUIPMENT AND INFORMATION BY MEMBERS OF THE ARMED FORCES.—The procedures established pursuant to subsection (a) shall—

''(A) include mechanisms for a member of the armed forces—

''(i) if requested by an operationally critical contractor, to assist the contractor in detecting and mitigating penetrations; or

''(ii) at the request of the Secretary of Defense or the Commandant of the Coast Guard, 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

''(B) provide that an operationally critical contractor is only required to provide access to equipment or information as described in subparagraph (A) to determine whether—

''(i) information created by or for the armed forces in connection with any program of the armed forces was successfully exfiltrated from or compromised on a network or information system of such contractor and, if so, what information was exfiltrated or compromised; or

''(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 cyber response or defensive actions of the Department or the Coast Guard'' after ''specific person''; and

(3) in paragraph (5)(C), by inserting ''or counterintelligence activities'' after ''investigations''.

SEC. 1636. REQUIREMENTS FOR REVIEW OF AND LIMITATIONS ON THE JOINT REGIONAL SECURITY STACKS ACTIVITY.

(a) BASELINE REVIEW.—Not later than October 1, 2021, the Secretary of Defense shall undertake a baseline review of the Joint Regional Security Stacks (JRSS) to determine whether the activity—

(1) should proceed as a program of record, with modifications as specified in section (b), for exclusively the Non-Classified Internet Protocol Network (NIPRNET) or for such network and the Secret Internet Protocol Network (SIPRNET); or

(2) should be phased out across the Department of Defense with each of the Joint Regional Security Stacks replaced through the institution of cost-effective and capable networking and cybersecurity technologies, architectures, and operational concepts within five years of the date of the enactment of this Act.

(b) PLAN TO TRANSITION TO PROGRAM OF RECORD.—If the Secretary determines under subsection (a) that the Joint Regional Security Stacks activity should proceed, not later than October 1, 2021, the Secretary shall develop a plan to transition such activity to a program of record, governed by standard Department of Defense acquisition program requirements and practices, including the following:

(1) Baseline operational requirements documentation.

(2) An acquisition strategy and baseline.

(3) A program office and responsible program manager, under the oversight of the Under Secretary of Defense for Acquisition and Sustainment and the Chief Information Officer of the Department of Defense, responsible for pertinent doctrine, organization, training, materiel, leadership and education, personnel, facilities and policy matters, and the development of effective tactics, techniques, and procedures;

(4) manning and training requirements documentation; and

(5) operational test planning.

(c) LIMITATIONS.—

(1) LIMITATION ON USE OF FUNDS.—None of the funds authorized to be appropriated by this Act may be used to field Joint Regional Security Stacks on the Secret Internet Protocol Network in fiscal year 2021.

(2) LIMITATION ON OPERATIONAL DEPLOYMENT.—The Secretary may not conduct an operational deployment of Joint Regional Security Stacks to the Secret Internet Protocol Network in fiscal year 2021.

(d) SUBMITTAL TO CONGRESS.—Not later than December 1, 2021, the Secretary shall submit to the congressional defense committees—

(1) the findings of the Secretary with respect to the baseline review conducted under subsection (a);

(2) the plan developed under subsection (b), if any; and

(3) a proposal for the replacement of Joint Regional Security Stacks, if the Secretary determines under subsection (a) that it should be replaced.

SEC. 1637. INDEPENDENT ASSESSMENT OF ESTABLISHMENT OF A NATIONAL CYBER DIRECTOR.

(a) ASSESSMENT.—Not later than December 1, 2020, the Secretary of Defense, in coordination with the Secretary of Homeland Security, shall seek to enter into an agreement with an independent organization with relevant expertise in cyber policy and governmental organization to conduct and complete an assessment of the feasibility and advisability of establishing a National Cyber Director.

(b) ELEMENTS.—The assessment required under subsection (a) shall include a review of and development of recommendations germane to the following, including the development of proposed legislative text for the establishment of a National Cyber Director:

(1) The authorities necessary to bring capabilities and capacities together across the interagency, all levels of government, and the private sector.

(2) A definition of the roles of the National Cyber Director in planning, preparing, and directing integrated cyber operations in response to a major cyber attack on the United States, including intelligence operations, law enforcement actions, cyber effects operations, defensive operations, and incident response operations.

(3) The authorities necessary to align resources to cyber priorities.

(4) The structure of the office of the National Cyber Director and position within government.

(c) REPORT.—

(1) IN GENERAL.—Not later than March 1, 2021, the Secretary of Defense shall submit to the appropriate committees of Congress a report on—

(A) the findings of the independent organization with respect to the assessment carried out under subsection (a); and

(B) the recommendations developed as part of such assessment under subsection (b).

(2) FORM.—The report submitted under paragraph (1) shall be submitted in a publicly releasable and unclassified format, but may include a classified annex.

(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 Homeland Security and Governmental Affairs of the Senate; and

(2) the Committee on Armed Services and the Committee on Homeland Security of the House of Representatives.

SEC. 1638. MODIFICATION OF AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CYBER OPERATIONS-PECULIAR CAPABILITY DEVELOPMENT PROJECTS.

(a) IN GENERAL.—Section 1640 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended—

(1) by redsignating subsections (b) and (c) as subsections (c) and (d), respectively;

(2) in subsection (a)—

(A) by striking ''The Secretary of Defense'' and inserting ''Subject to subsection (b), the Commander of the United States Cyber Command'';

(B) by striking ''per service'' and inserting ''per use''; and

(C) by striking ''through 2022'' and inserting ''through 2025''; and

(3) by inserting after subsection (a) the following:

''(b) LIMITATION.—(1) Each fiscal year, the Secretaries of the military departments concerned may each obligate and expend under subsection (a) not more than $20,000,000.

''(2) Each fiscal year, the Commander of the United States Cyber Command may obligate and expend under subsection (a) not more than $6,000,000.''.

(b) CONFORMING AMENDMENT.—Subsection (c) of such section is amended by striking ''through 2022'' and inserting ''through 2025''.

SEC. 1639. PERSONNEL MANAGEMENT AUTHORITY FOR COMMANDER OF UNITED STATES CYBER COMMAND AND DEVELOPMENT PROGRAM FOR OFFENSIVE CYBER OPERATIONS.

(a) PERSONNEL MANAGEMENT AUTHORITY FOR COMMANDER OF UNITED STATES CYBER COMMAND TO ATTRACT EXPERTS IN SCIENCE AND ENGINEERING.—Section 1599h of title 10, United States Code, as amended by section 212 of National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92)), is further amended—

(1) in subsection (a), by adding at the end the following:

''(7) UNITED STATES CYBER COMMAND.—The Commander of United States Cyber Command may carry out a program of personnel management authority provided in subsection (b) in order to facilitate the recruitment of eminent experts in computer science, data science, engineering, mathematics, and computer network exploitation within the headquarters of United States Cyber Command and the Cyber National Mission Force.''; and

(2) in subsection (b)(1)—

(A) in subparagraph (E), by striking ''; and'' and inserting a semicolon;

(B) in subparagraph (F), by striking the semicolon and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(G) in the case of United States Cyber Command, appoint computer scientists, data scientists, engineers, mathematicians, and computer network exploitation specialists to a total of not more than 10 scientific and engineering positions in the Command;''.

(b) PROGRAM TO DEVELOP ACCESSES, DISCOVER VULNERABILITIES, AND ENGINEER CYBER TOOLS AND DEVELOP TACTICS, TECHNIQUES, AND PROCEDURES FOR OFFENSIVE CYBER OPERATIONS.—

(1) IN GENERAL.—Pursuant to the authority provided under section 1599h(a)(7) of such title, as added by subsection (a), the Commander of United States Cyber Command shall establish a program or augment an existing program within the Command to develop accesses, discover vulnerabilities, and engineer cyber tools and develop tactics, techniques, and procedures for the use of these assets and capabilities in offensive cyber operations.

(2) ELEMENTS.—The program or augmented program required by paragraph (1) shall—

(A) develop accesses, tools, vulnerabilities, and tactics, techniques, and procedures fit for Department of Defense military operations in cyberspace, such as reliability, meeting short development and operational timelines, low cost, and expendability;

(B) aim to decrease the reliance of Cyber Command on accesses, tools, and expertise provided by the intelligence community;

(C) be designed to provide technical and operational expertise on par with that of programs of the intelligence community;

(D) enable the Commander to attract and retain expertise resident in the private sector and other technologically elite government organizations; and

(E) coordinate development activities with, and, as appropriate, facilitate transition of capabilities from, the Defense Advanced Research Projects Agency, the Strategic Capabilities Office, and components within the intelligence community.

(3) INTELLIGENCE COMMUNITY DEFINED.—In this subsection, the term ''intelligence community'' has the meaning given such term in

section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

SEC. 1640. IMPLEMENTATION OF INFORMATION OPERATIONS MATTERS.

Of the amounts authorized to be appropriated for fiscal year 2021 by section 301 for operation and maintenance and available for the Office of the Secretary of Defense for the travel of persons as specified in the table in section 4301—

(1) not more than 25 percent shall be available until the date on which the report required by subsection (h)(1) of section 1631 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is submitted to the Committee on Armed Services of the Senate and the Committee on Armed Services House of Representatives; and

(2) not more than 75 percent shall be available until the date on which the strategy and posture review required by subsection (g) of such section is submitted to such committees.

SEC. 1641. REPORT ON CYBER INSTITUTES PROGRAM.

Section 1640 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 2310; 10 U.S.C. 2200 note) is amended by adding at the end the following:

''(g) REPORT TO CONGRESS.—Not later than September 30, 2021, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the effectiveness of the Cyber Institutes and on opportunities to expand the Cyber Institutes to additional select institutions of higher learning that have a Reserve Officers' Training Corps program.''.

SEC. 1642. ASSISTANCE FOR SMALL MANUFACTURERS IN THE DEFENSE INDUSTRIAL SUPPLY CHAIN ON MATTERS RELATING TO CYBERSECURITY.

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary of Defense, in consultation with the Director of the National Institute of Standards and Technology, may award financial assistance to a Center for the purpose of providing cybersecurity services to small manufacturers.

(b) CRITERIA.—The Secretary, in consultation with the Director, shall establish and publish on the grants.gov website, or successor website, criteria for selecting recipients for financial assistance under this section.

(c) USE OF FINANCIAL ASSISTANCE.—Financial assistance under this section—

(1) shall be used by a Center to provide small manufacturers with cybersecurity services relating to—

(A) compliance with the cybersecurity requirements of the Department of Defense Supplement to the Federal Acquisition Regulation, including awareness, assessment, evaluation, preparation, and implementation of cybersecurity services; and

(B) achieving compliance with the Cybersecurity Maturity Model Certification framework of the Department of Defense; and

(2) may be used by a Center to employ trained personnel to deliver cybersecurity services to small manufacturers.

(d) BIENNIAL REPORTS.—

(1) IN GENERAL.—Not less frequently than once every two years, the Secretary shall submit to the congressional defense committees, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Science, Space, and Technology of the House of Representatives a biennial report on financial assistance awarded under this section.

(2) CONTENTS.—To the extent practicable, each report submitted under paragraph (1) shall include the following with respect to the years covered by the report:

(A) The number of small manufacturing companies assisted.

(B) A description of the cybersecurity services provided.

(C) A description of the cybersecurity matters addressed.

(D) An analysis of the operational effectiveness and cost-effectiveness of the cybersecurity services provided.

(e) TERMINATION.—The authority of the Secretary to award of financial assistance under this section shall terminate on the date that is five years after the date of the enactment of this Act.

(f) DEFINITIONS.—In this section:

(1) The term ''Center'' has the meaning given such term in section 25(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(a)).

(2) The term ''small manufacturer'' has the meaning given that term in section 1644(g) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 2224 note).

Subtitle C—Nuclear Forces

SEC. 1651. MODIFICATION TO RESPONSIBILITIES OF NUCLEAR WEAPONS COUNCIL.

Section 179(d) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (9) through (12) as paragraphs (10) through (13), respectively; and

(2) by inserting after paragraph (8) the following new paragraph (9):

''(9) Reviewing proposed capabilities, and establishing and validating performance requirements (as defined in section 181(h) of this title), for nuclear warhead programs.''.

SEC. 1652. RESPONSIBILITY OF NUCLEAR WEAPONS COUNCIL IN PREPARATION OF NATIONAL NUCLEAR SECURITY ADMINISTRATION BUDGET.

Paragraph (11) of section 179(d) of title 10, United States Code, as redesignated by section 1651, is further amended to read as follows:

''(11) As part of the planning, programming, budgeting, and execution process of the National Nuclear Security Administration—

''(A) providing guidance with respect to the development of the annual budget proposals of the Administration under section 3255 of the National Nuclear Security Administration Act;

''(B) reviewing the adequacy of such proposals under section 4717 of the Atomic Energy Defense Act; and

''(C) preparing, coordinating, and approving such proposals, including before such proposals are submitted to—

''(i) the Secretary of Energy;

''(ii) the Director of the Office of Management and Budget;

''(iii) the President; or

''(iv) Congress (as submitted with the budget of the President under section 1105(a) of title 31).''.

SEC. 1653. MODIFICATION OF GOVERNMENT ACCOUNTABILITY OFFICE REVIEW OF ANNUAL REPORTS ON NUCLEAR WEAPONS ENTERPRISE.

Section 492a(c) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking ''review each report'' and inserting ''periodically review reports submitted''; and

(2) in paragraph (2), by striking ''not later'' and all that follows through ''submitted,''.

SEC. 1654. PROHIBITION ON REDUCTION OF THE INTERCONTINENTAL BALLISTIC MISSILES OF THE UNITED STATES.

(a) PROHIBITION.—Except as provided in subsection (b), none of the funds authorized to be appropriated by this Act for fiscal year 2021 for the Department of Defense may be obligated or expended for the following, and the Department may not otherwise take any action to do the following:

(1) Reduce, or prepare to reduce, the responsiveness or alert level of the intercontinental ballistic missiles of the United States.

(2) Reduce, or prepare to reduce, the quantity of deployed intercontinental ballistic missiles of the United States to a number less than 400.

(b) EXCEPTION.—The prohibition in subsection (a) shall not apply to any of the following activities:

(1) The maintenance or sustainment of intercontinental ballistic missiles.

(2) Ensuring the safety, security, or reliability of intercontinental ballistic missiles.

SEC. 1655. SENSE OF THE SENATE ON NUCLEAR COOPERATION BETWEEN THE UNITED STATES AND THE UNITED KINGDOM.

It is the sense of the Senate that—

(1) the North Atlantic Treaty Organization (NATO) continues to play an essential role in the national security of the United States and the independent nuclear deterrents of other NATO members, such as the United Kingdom, have helped underwrite peace and security;

(2) the nuclear programs of the United States and the United Kingdom have enjoyed significant collaborative benefits as a result of the cooperative relationship formalized in the Agreement for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes, signed at Washington July 3, 1958, and entered into force August 4, 1958 (9 UST 1028), between the United States and the United Kingdom (commonly referred to as the ''Mutual Defense Agreement'');

(3) the unique partnership between the United States and the United Kingdom has enhanced sovereign military and scientific capabilities, strengthened bilateral ties, and shared costs, particularly on such programs as the Trident II D–5 weapons system and the common missile compartment for the future Dreadnought and Columbia classes of submarines;

(4) additionally, the extension of the nuclear deterrence commitments of the United Kingdom to members of the NATO alliance strengthens collective security while reducing the burden placed on United States nuclear forces to deter potential adversaries and assure allies of the United States and the United Kingdom;

(5) as the international security environment deteriorates and potential adversaries expand and enhance their nuclear forces, the extended deterrence commitments of the United Kingdom play an increasingly important role in supporting the security interests of the United States and allies of the United States and the United Kingdom;

(6) it is in the national security interest of the United States to support the United Kingdom with respect to the decision of the Government of the United Kingdom to maintain its nuclear deterrent until global security conditions warrant its elimination;

(7) as the United States must modernize its aging nuclear forces to ensure its ability to continue to field a nuclear deterrent that is safe, secure, and effective, the United Kingdom faces a similar challenge;

(8) bilateral cooperation on the parallel development of the W93/Mk7 warhead of the United States and the replacement warhead of the United Kingdom, as well as associated components, will allow the United States and the United Kingdom to responsibly address challenges within their legacy nuclear forces in a cost-effective manner that—

(A) preserves independent, sovereign control;

(B) is consistent with each country's obligations under the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968 (21 UST 483) (commonly referred to as the ''Nuclear Non-Proliferation Treaty''); and

(C) supports nonproliferation objectives; and

(9) continued cooperation between the nuclear programs of United States and the United Kingdom, including through the W93/Mk7 program, is essential to ensuring that the NATO alliance continues to be supported by credible nuclear forces capable of preserving peace, preventing coercion, and deterring aggression.

Subtitle D—Missile Defense Programs

SEC. 1661. IRON DOME SHORT-RANGE ROCKET DEFENSE SYSTEM AND ISRAELI CO-OPERATIVE MISSILE DEFENSE PROGRAM CO-DEVELOPMENT AND CO-PRODUCTION.

(a) IRON DOME SHORT-RANGE ROCKET DEFENSE SYSTEM.—

(1) AVAILABILITY OF FUNDS.—Of the funds authorized to be appropriated by this Act for fiscal year 2021 for procurement, Defense-wide, and available for the Missile Defense Agency, not more than $73,000,000 may be provided to the Government of Israel to procure components for the Iron Dome short-range rocket defense system through co-production of such components in the United States by industry of the United States.

(2) CONDITIONS.—

(A) AGREEMENT.—Funds described in paragraph (1) for the Iron Dome short-range rocket defense program shall be available subject to the terms and conditions in the Agreement Between the Department of Defense of the United States of America and the Ministry of Defense of the State of Israel Concerning Iron Dome Defense System Procurement, signed on March 5, 2014, as amended to include co-production for Tamir interceptors.

(B) CERTIFICATION.—Not later than 30 days prior to the initial obligation of funds described in paragraph (1), the Under Secretary of Defense for Acquisition and Sustainment shall submit to the appropriate congressional committees—

(i) a certification that the amended bilateral international agreement specified in subparagraph (A) is being implemented as provided in such agreement;

(ii) an assessment detailing any risks relating to the implementation of such agreement; and

(iii) for system improvements resulting in modified Iron Dome components and Tamir interceptor sub-components, a certification that the Government of Israel has demonstrated successful completion of Production Readiness Reviews, including the validation of production lines, the verification of component conformance, and the verification of performance to specification as defined in the Iron Dome Defense System Procurement Agreement, as further amended.

(b) ISRAELI COOPERATIVE MISSILE DEFENSE PROGRAM, DAVID'S SLING WEAPON SYSTEM CO-PRODUCTION.—

(1) IN GENERAL.—Subject to paragraph (3), of the funds authorized to be appropriated for fiscal year 2021 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.—Provision of funds specified in paragraph (1) shall be subject to the terms and conditions in the bilateral co-production agreement, including—

(A) a one-for-one cash match is made by Israel or in another matching amount that otherwise meets best efforts (as mutually agreed to by the United States and Israel); and

(B) co-production of parts, components, and all-up rounds (if appropriate) in the United States by United States industry for the David's Sling Weapon System is not less than 50 percent.

(3) CERTIFICATION AND ASSESSMENT.—The Under Secretary of Defense for Acquisition and Sustainment shall submit to the appropriate congressional committees—

(A) a certification that the Government of Israel has demonstrated the successful completion of the knowledge points, technical milestones, and production readiness reviews required by the research, development, and technology agreement and the bilateral co-production agreement for the David's Sling Weapon System; and

(B) an assessment detailing any risks relating to the implementation of such agreement.

(c) ISRAELI COOPERATIVE MISSILE DEFENSE PROGRAM, ARROW 3 UPPER TIER INTERCEPTOR PROGRAM CO-PRODUCTION.—

(1) IN GENERAL.—Subject to paragraph (2), of the funds authorized to be appropriated for fiscal year 2021 for procurement, Defense-wide, and available for the Missile Defense Agency not more than $77,000,000 may be provided to the Government of Israel for the Arrow 3 Upper Tier Interceptor Program, including for co-production of parts and components in the United States by United States industry.

(2) CERTIFICATION.—The Under Secretary of Defense for Acquisition and Sustainment shall submit to the appropriate congressional committees a certification that—

(A) the Government of Israel has demonstrated the successful completion of the knowledge points, technical milestones, and production readiness reviews required by the research, development, and technology agreement for the Arrow 3 Upper Tier Interceptor Program;

(B) funds specified in paragraph (1) will be provided on the basis of a one-for-one cash match made by Israel or in another matching amount that otherwise meets best efforts (as mutually agreed to by the United States and Israel);

(C) the United States has entered into a bilateral international agreement with Israel that establishes, with respect to the use of such funds—

(i) in accordance with subparagraph (D), the terms of co-production of parts and components on the basis of the greatest practicable co-production of parts, components, and all-up rounds (if appropriate) by United States industry and minimizes nonrecurring engineering and facilitization expenses to the costs needed for co-production;

(ii) complete transparency on the requirement of Israel for the number of interceptors and batteries that will be procured, including with respect to the procurement plans, acquisition strategy, and funding profiles of Israel;

(iii) technical milestones for co-production of parts and components and procurement;

(iv) a joint affordability working group to consider cost reduction initiatives; and

(v) joint approval processes for third-party sales; and

(D) the level of co-production described in subparagraph (C)(i) for the Arrow 3 Upper Tier Interceptor Program is not less than 50 percent.

(d) NUMBER.—In carrying out paragraph (2) of subsection (b) and paragraph (2) of subsection (c), the Under Secretary may submit—

(1) one certification covering both the David's Sling Weapon System and the Arrow 3 Upper Tier Interceptor Program; or

(2) separate certifications for each respective system.

(e) TIMING.—The Under Secretary shall submit to the congressional defense committees the certification and assessment under subsection (b)(3) and the certification under subsection (c)(2) no later than 30 days before the funds specified in paragraph (1) of subsections (b) and (c) for the respective system covered by the certification are provided to the Government of Israel.

(f) 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. 1662. ACCELERATION OF THE DEPLOYMENT OF HYPERSONIC AND BALLISTIC TRACKING SPACE SENSOR PAYLOAD.

(a) PRIMARY RESPONSIBILITY FOR DEVELOPMENT AND DEPLOYMENT OF HYPERSONIC AND BALLISTIC TRACKING SPACE SENSOR PAYLOAD.—

(1) IN GENERAL.—Not later than 15 days after the date of the enactment of this Act, the Secretary shall—

(A) assign the Director of the Missile Defense Agency with the principal responsibility for the development and deployment of a hypersonic and ballistic tracking space sensor payload through the end of fiscal year 2022; and

(B) submit to the congressional defense committees certification of such assignment.

(2) TRANSITION.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees—

(A) a determination regarding whether responsibility for a hypersonic and ballistic tracking space sensor payload should be transitioned to the United States Space Force at the end of fiscal year 2022 or later; and

(B) if the Secretary so determines, a plan for transition of primary responsibility that minimizes disruption to the program and provides for sufficient funding as described in subsection (b)(1).

(b) CERTIFICATION REGARDING FUNDING OF HYPERSONIC AND BALLISTIC TRACKING SPACE SENSOR PROGRAM.—

(1) IN GENERAL.—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 2022, the Under Secretary of Defense Comptroller and the Director for Cost Assessment and Program Evaluation shall jointly submit to the congressional defense committees a certification as to whether the hypersonic and ballistic tracking space sensor program is sufficiently funded in the future-years defense program.

(2) FUNDING LIMITATION.—Of the funds authorized to be appropriated by this Act for fiscal year 2021 under the Operations and Maintenance, Defense-Wide, account for the Office of Secretary of Defense travel of persons assigned to the Office of the Under Secretary of Defense for Research and Engineering, not more than 50 percent of such funds may be obligated or expended until the certification required by paragraph (1) is submitted under such paragraph.

(c) 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

(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, 2022, 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.''.

(d) ASSESSMENT AND REPORT.—Not later than 120 days after the date of the enactment of this Act, the Chair of the Joint Requirements Oversight Council established under section 181 of title 10, United States Code, shall—

(1) complete an assessment on whether all efforts being made by the Missile Defense Agency, the Defense Advanced Research Projects Agency, the Air Force, and the Space Development Agency relating to space-based sensing and tracking capabilities for missile defense are aligned with the requirements of United States Strategic Command, United States Northern Command, United States European Command, and United States Indo-Pacific Command for missile tracking and missile warning that have been validated by the Joint Requirements Oversight Council; and

(2) submit to the congressional defense committees a report on the findings of the Chair with respect to the assessment conducted under paragraph (1).

SEC. 1663. EXTENSION OF PROHIBITION RELATING TO MISSILE DEFENSE INFORMATION AND SYSTEMS.

Section 130h(e) of title 10, United States Code, is amended by striking ''January 1, 2021'' and inserting ''January 1, 2026''.

SEC. 1664. REPORT ON AND LIMITATION ON EXPENDITURE OF FUNDS FOR LAYERED HOMELAND MISSILE DEFENSE SYSTEM.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than March 1, 2021, the Director of the Missile Defense Agency shall submit to the congressional defense committees a report on the proposal for a layered homeland missile defense system included in the budget justification materials submitted to Congress in support of the budget for the Department of Defense for fiscal year 2021 (as submitted with the budget of the President for such year under section 1105(a) of title 31, United States Code).

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

(A) A description of the approved requirements for a layered homeland missile defense system, based on an assessment by the intelligence community of threats to be addressed at the time of deployment of such a system.

(B) An assessment of how such requirements addressed by a layered homeland missile defense system relate to those addressed by the existing ground-based midcourse defense system, including deployed ground-based interceptors and planned upgrades to such ground-based interceptors.

(C) An analysis of interceptor solutions to meet such requirements, to include land-based Standard Missile 3 (SM–3) Block IIA interceptor systems and the Terminal High Altitude Area Defense (THAAD) system, with the number of locations required for deployment and the production numbers of interceptors and related sensors.

(D) A site-specific fielding plan that includes possible locations, the number and type of interceptors and radars in each location, and any associated environmental or permitting considerations, including an assessment of the locations evaluated pursuant to section 227(b) of the National Defense Authorization Act for Fiscal Year 2013 (126 Stat. 1679; Public Law 112–239) for inclusion in the layered homeland missile defense system.

(E) Relevant policy considerations for deployment of such systems for defense against intercontinental ballistic missiles in the continental United States.

(F) A cost estimate and schedule for options involving a land-based Standard Missile 3 Block IIA interceptor system and the Terminal High Altitude Area Defense system, including required environmental assessments.

(G) A feasibility assessment of the necessary modifications to the Terminal High Altitude Area Defense system to address such requirements.

(H) An assessment of the industrial base capacity to support additional production of either a land-based Standard Missile 3 Block IIA interceptor system or the Terminal High Altitude Area Defense system.

(3) CONSULTATION.—In preparing the report required by paragraph (1), the Director shall consult with the following:

(A) The Under Secretary of Defense for Policy.

(B) The Under Secretary of Defense for Acquisition and Sustainment.

(C) The Vice Chairman of the Joint Chiefs of Staff, in Vice Chairman's capacity as the Chair of the Joint Requirements Oversight Council.

(D) The Commander, United States Strategic Command.

(E) The Commander, United States Northern Command.

(b) LIMITATION ON USE OF FUNDS.—Not more than 50 percent of the amounts authorized to be appropriated by this Act for fiscal year 2021 for the Missile Defense Agency for the purposes of a layered homeland missile defense system may be obligated or expended until the Director submits to the congressional defense committees the report required by subsection (a).

(c) INTELLIGENCE COMMUNITY DEFINED.—In this section, the term ''intelligence community'' has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

SEC. 1665. EXTENSION OF REQUIREMENT FOR COMPTROLLER GENERAL REVIEW AND ASSESSMENT OF MISSILE DEFENSE ACQUISITION PROGRAMS.

Section 232(a) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) is amended—

(1) in paragraph (1), by striking ''through 2020'' and inserting ''through 2025'';

(2) in paragraph (2)—

(A) by striking ''through 2021'' and inserting ''through 2026''; and

(B) by striking ''year. Each'' and all that follows through ''appropriate.'' and insert the following: '', which shall include such findings and recommendations as the Comptroller General considers appropriate.''; and

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

''(3) REVIEW OF EMERGING ISSUES.—In carrying out this subsection, as the Comptroller General determines is warranted, the Comptroller General shall review emerging issues and, in consultation with the congressional defense committees, brief such committees or submit to such committees a report on the findings of the Comptroller General with respect to such review.''.

SEC. 1666. REPEAL OF REQUIREMENT FOR REPORTING STRUCTURE OF MISSILE DEFENSE AGENCY.

Section 205 of title 10, United States Code, is amended to read as follows:

''§ 205. Missile Defense Agency

''The Director of the Missile Defense Agency shall be appointed for a six-year term.''.

SEC. 1667. GROUND-BASED MIDCOURSE DEFENSE INTERIM CAPABILITY.

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

(1) the nuclear and ballistic missile threats from rogue nations are increasing; and

(2) the Department of Defense should fully assess development of an interim ground-based missile defense capability while also pursuing the development of a next generation interceptor capability.

(b) INTERIM GROUND-BASED INTERCEPTOR.—

(1) DEVELOPMENT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense, acting through the Director of the Missile Defense Agency and in coordination with the Under Secretary of Defense for Acquisition and Sustainment, the Commander of the United States Northern Command, and the Commander of the United States Strategic Command, shall commence carrying out a program to develop an interim ground-based interceptor capability that will—

(A) use sound acquisition practices;

(B) address the majority of current and near- to mid-term projected ballistic missile threats to the United States homeland from rogue nations;

(C) at minimum, meet the proposed capabilities of the Redesigned Kill Vehicle program;

(D) leverage existing kill vehicle and booster technology; and

(E) appropriately balance interceptor performance with schedule of delivery.

(2) DEPLOYMENT.—The Secretary of Defense, acting through the Director of the Missile Defense Agency and in coordination with the Under Secretary of Defense for Acquisition and Sustainment, the Commander of the United States Northern Command, and the Commander of the United States Strategic Command, shall—

(A) conduct rigorous flight testing of the interim ground-based interceptor; and

(B) deliver 20 new ground-based interceptors by 2026.

(3) WAIVER AUTHORITY.—(A) The Secretary of Defense may waive the requirements under paragraphs (1) and (2) if the Secretary certifies to the congressional defense committees that—

(i) the technology development is not technically feasible;

(ii) the interim capability development is not in the national security interest of the United States; or

(iii) the next generation interceptor for the ground-based midcourse defense system can deliver capability before the program otherwise required by this subsection.

(B) If the Secretary chooses to waive the requirements under paragraphs (1) and (2), the Secretary shall submit to the congressional defense committees along with the certification required by subparagraph (A) of this paragraph—

(i) an explanation of the rationale for the decision;

(ii) an estimate of projected rogue nation threats to the United States homeland that will not be defended against until the fielding of the next generation interceptor for the ground-based midcourse defense system; and

(iii) an updated schedule for development and deployment of the next generation interceptor.

(C) The Secretary may not delegate the certification described in subparagraphs (A) and (B) unless the Secretary is recused, in which case the Secretary may delegate such certification to the Deputy Secretary of Defense.

(c) CAPABILITIES AND CRITERIA.—The Director shall ensure that the interim ground-based interceptor developed under subsection (c)(1) meets, at a minimum, the following capabilities and criteria:

(1) Vehicle-to-vehicle communications, as applicable.

(2) Vehicle-to-ground communications.

(3) Kill assessment capability.

(4) The ability to counter advanced counter measures, decoys, and penetration aids.

(5) Producibility and manufacturability.

(6) Use of technology involving high technology readiness levels.

(7) Options to integrate the new kill vehicle onto other missile defense interceptor vehicles other than the ground-based interceptors of the ground-based midcourse defense system.

(8) Sound acquisition processes.

(d) REPORT ON FUNDING PROFILE.—The Director shall include with the budget justification materials submitted to Congress in support of the budget of the Department of Defense for fiscal year 2022 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) a report on the funding profile necessary for the interim ground-based interceptor program to meet the objectives under subsection (c).

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the ''Military Construction Authorization Act for Fiscal Year 2021''.

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 for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2025; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2026.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2025; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2026 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, 2020; 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:

Army: Inside the United States

State	Installation or Location	Amount
Alaska	Fort Wainwright	$114,000,000
Arizona	Yuma Proving Ground	$14,000,000
California	Military Ocean Terminal Concord	$46,000,000
Colorado	Fort Carson	$28,000,000
Georgia	Fort Gillem	$71,000,000
	Fort Gordon	$80,000,000
Hawaii	Aliamanu Military Reservation	$71,000,000
	Schofield Barracks	$39,000,000
	Wheeler Army Airfield	$89,000,000
Louisiana	Fort Polk	$25,000,000
Oklahoma	McAlester AAP	$35,000,000
South Carolina	Fort Jackson	$7,000,000
Virginia	Humphreys Engineer Center	$51,000,000

(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 installation outside the United States, and in the amount, set forth in the following table:

Army: Outside the United States

State	Installation	Amount
Italy	Casmera Renato Dal Din	$10,200,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Army: Family Housing

Country	Installation or Location	Units	Amount
Italy	Vicenza	Family Housing New Construction	$84,100,000
Kwajalein	Kwajalein Atoll	Family Housing Replacement Construction	$32,000,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $3,300,000.

SEC. 2103. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2020, 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 FISCAL YEAR 2017 PROJECT AT CAMP WALKER, KOREA.

In the case of the authorization contained in the table in section 2102(a) of the Military Construction Authorization Act for Fiscal Year 2017 (division B of Public Law 114–92; 129 Stat. 1146) for Camp Walker, Korea, the Secretary of the Army may construct an elevated walkway between two existing parking garages to connect children's playgrounds using amounts available for Family Housing New Construction, as specified in the funding table in section 4601 of such Act (129 Stat. 1290).

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

State	Installation or Location	Amount
California	Camp Pendleton	$115,530,000
	Lemoore	$187,220,000
	Point Mugu	$26,700,000
	Port Hueneme	$43,500,000
	San Diego	$128,500,000
	Seal Beach	$46,800,000
	Twentynine Palms	$76,500,000
Hawaii	Joint Base Pearl Harbor-Hickam	$114,900,000
Maine	Kittery	$715,000,000
	NCTAMS LANT Detachment Cutler	$26,100,000
Nevada	Fallon	$29,040,000
North Carolina	Cherry Point	$51,900,000
Virginia	Norfolk	$39,800,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 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

Country	Installation or Location	Amount
Bahrain Island	SW Asia	$68,340,000
El Salvador	Comalapa	$28,000,000
Greece	Souda Bay	$50,180,000
Guam	Andersen Air Force Base	$21,280,000
	Joint Region Marianas	$546,550,000
Spain	Rota	$60,110,000

SEC. 2202. FAMILY HOUSING.

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 $5,854,000.

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) 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 $37,043,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2020, 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:

Air Force: Inside the United States

State	Installation or Location	Amount
Colorado	United States Air Force Academy	$49,000,000
New Jersey	Joint Base McGuire-Dix-Lakehurst	$22,000,000
South Dakota	Ellsworth Air Force Base	$96,000,000
Texas	Joint Base San Antonio	$19,500,000
Utah	Hill Air Force Base	$132,000,000
Virginia	Joint Base Langley-Eustis	$19,500,000

(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

Country	Installation or Location	Amount
Guam	Andersen Air Force Base	$56,000,000
Qatar	Al Udeid	$26,000,000

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 may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $2,969,000.

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 $94,245,000.

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, 2020, 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 FISCAL YEAR 2018 PROJECT AT ROYAL AIR FORCE LAKENHEATH.

(a) IN GENERAL.—In the case of the authorization contained in the table in section 2301(b) of the Military Construction Authorization Act for Fiscal Year 2018 (division B of Public Law 115–91; 131 Stat. 1826) for Royal Air Force Lakenheath, United Kingdom, the Secretary of the Air Force may construct a 2,700 square meter consolidated corrosion control and wash rack facility at such location.

(b) INCREASE OF AMOUNT.—The table in section 4601 of such Act is amended in the item relating to a Consolidated Corrosion Control Facility at Royal Air Force Lakenheath, United Kingdom, by striking ''20,000,000'' and inserting ''55,300,000''.

SEC. 2306. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2019 PROJECTS.

(a) EIELSON AIR FORCE BASE, ALASKA.—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; 132 Stat. 2246) for Eielson Air Force Base, Alaska, the Secretary of the Air Force may construct a 426 square meter non-contained (outdoor) range with covered and heated firing line for construction of an F–35 CATM Range, as specified in the funding table in section 4601 of such Act (132 Stat. 2404).

(b) BARKSDALE AIR FORCE BASE, LOUISIANA.—

(1) IN GENERAL.—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; 132 Stat. 2246) for Barksdale Air Force Base, Louisiana, the Secretary of the Air Force may construct an entrance road and gate complex consistent with the Unified Facilities Criteria relating to entry control facilities and the construction guidelines for the Air Force, in the amount of $48,000,000.

(2) DETAILS OF CONSTRUCTION.—In constructing the entrance road and gate complex under paragraph (1), the Secretary of the Air Force may construct a 190 square meter visitor control center, a 44 square meter gate house, a 124 square meter privately owned vehicle inspection facility, a 338 square meter truck inspection facility, and a 45 square meter gatehouse.

(3) CONSTRUCTION IN FLOOD PLAIN.—Construction under paragraph (1) may be conducted in a flood plain and appropriate mitigation measures shall be included in the project.

(c) ROYAL AIR FORCE LAKENHEATH, UNITED KINGDOM.—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; 132 Stat. 2247) for Royal Air Force Lakenheath, United Kingdom, the Secretary of the Air Force may construct a 1,206 square meter maintenance facility for construction of an F–35A ADAL Conventional Munitions MX, as specified in the funding table in section 4601 of such Act (132 Stat. 2400).

(d) FORCE PROTECTION AND SAFETY.—The table in section 4601 of the Military Construction Authorization Act for Fiscal Year 2019 (division B of Public Law 115–232; 132 Stat. 2406) is amended in the item relating to Force Protection and Safety, Air Force, Unspecified Worldwide Locations, by striking ''35,000'' and inserting ''50,000''.

SEC. 2307. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2020 FAMILY HOUSING PROJECTS.

(a) CONSTRUCTION AND ACQUISITION.—Section 2302 of the Military Construction Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended—

(1) by striking ''Using amounts'' and inserting ''(a) PLANNING AND DESIGN.—Using amounts''; and

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

''(b) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a), the Secretary of the Air Force may construct or acquire family housing units (including land, acquisition, and supporting facilities) at the installation, in the number of units, and in the amounts set forth in the following table:

''Air Force: Family Housing

Country	Installation or Location	Purpose	Amount
Germany	Spangdahlem Air Base	76 Units	$53,584,000''.

(b) FUNDING.—Section 2303 of the Military Construction Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended by striking ''$53,584,000'' and inserting ''$46,638,000''.

SEC. 2308. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2020 PROJECTS.

(a) TYNDALL AIR FORCE BASE, FLORIDA.—In the case of the authorization contained in the table in section 2912(a) of the Military Construction Authorization Act for Fiscal Year 2020 (division B of Public Law 116–92) for Tyndall Air Force Base, Florida, the Secretary of the Air Force may construct—

(1) not more than 4,770 square meters of aircraft support equipment storage for construction of an Auxiliary Ground Equipment Facility, as specified in the funding table in section 4603 of such Act;

(2) not more than 18,770 square meters of visiting quarters for construction of Dorm Complex Phase 1, as specified in such funding table;

(3) 2,127 square meters of squadron operations and 2,875 square meters of aircraft maintenance unit for construction of Ops/Aircraft Maintenance Unit/Hangar #2, as specified in such funding table;

(4) 2,127 square meters of squadron operations and 2,875 square meters of aircraft maintenance unit for construction of Ops/Aircraft Maintenance Unit/Hangar #3, as specified in such funding table;

(5) not more than 3,420 square meters of headquarters for construction of an Operations Group/Maintenance Group HQ, as specified in such funding table;

(6) not more than 930 square meters of equipment storage for construction of a Security Forces Mobility Storage Facility, as specified in such funding table;

(7) not more than 7,000 meters of storm water piping, box culverts, underground detention, and grading for surface detention for construction of Site Development, Utilities & Demo Phase 2, as specified in such funding table; and

(8) not more than 12,471 meters of visiting quarters for construction of Lodging Facilities Phase 1, as specified in such funding table.

(b) OFFUTT AIR FORCE BASE, NEBRASKA.—In the case of the authorization contained in the table in section 2912(a) of the Military Construction Authorization Act for Fiscal Year 2020 (division B of Public Law 116–92) for Offutt Air Force Base, Nebraska, the Secretary of the Air Force may construct—

(1) seven 2.5-megawatt diesel engine generators, seven diesel exhaust fluid systems, 15-kilovolt switchgear, two import/export inter-ties, five import-only inter-ties, and 800 square meters of switchgear facility for construction of an Emergency Power Microgrid, as specified in the funding table in section 4603 of such Act;

(2) 2,536 square meters of warehouse for construction of a Logistics Readiness Squadron Campus, as specified in such funding table;

(3) 4,218 square meters of operations center and 1,343 square meters of military working dog kennel for construction of a Security Campus, as specified in such funding table;

(4) 445 square meters of petroleum operations center, 268 square meters of de-icing liquid storage, and 173 square meters of warehouse for construction of a Flightline Hangars Campus, as specified in such funding table; and

(5) 240 square meters of recreation complex and 270 square meters of storage for construction of a Lake Campus, as specified in such funding table.

(c) JOINT BASE LANGLEY-EUSTIS, VIRGINIA.—In the case of the authorization contained in the table in section 2912(a) of the Military Construction Authorization Act for Fiscal Year 2020 (division B of Public Law 116–92) for Joint Base Langley-Eustis, Virginia, the Secretary of the Air Force may construct up to 6,720 square meters of dormitory for construction of a Dormitory, as specified in the funding table in section 4603 of such Act.

TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

State	Installation or Location	Amount
Alabama	Anniston Army Depot	$18,000,000
Alaska	Fort Greely	$48,000,000
Arizona	Fort Huachuca	$33,728,000
	Yuma	$49,500,000
California	Beale Air Force Base	$22,800,000
Colorado	Fort Carson	$15,600,000
CONUS Unspecified	CONUS Unspecified	$14,400,000
Florida	Hurlburt Field	$83,120,000
Kentucky	Fort Knox	$69,310,000
New Mexico	Kirtland Air Force Base	$46,600,000
North Carolina	Fort Bragg	$113,800,000
Ohio	Wright-Patterson Air Force Base	$23,500,000
Texas	Fort Hood	$32,700,000
Virginia	Joint Expeditionary Base Little Creek-Fort Story	$112,500,000
Washington	Joint Base Lewis-McChord	$21,800,000
	Manchester	$82,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of Defense may acquire real property and carry out military construction projects for the installation or location outside the United States, and in the amount, set forth in the following table:

Defense Agencies: Outside the United States

Country	Installation or Location	Amount
Japan	Def Fuel Support Point Tsurumi	$49,500,000

SEC. 2402. AUTHORIZED ENERGY RESILIENCE AND CONSERVATION INVESTMENT PROGRAM PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for energy conservation projects as specified in the funding table in section 4601, the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, for the installations or locations inside the United States, and in the amounts, set forth in the following table:

ERCIP Projects: Inside the United States

State	Installation or Location	Amount
Alabama	Fort Rucker	$24,000,000
Arkansas	Fort Smith Air National Guard Base	$2,600,000
District of Columbia	Joint Base Anacostia-Bolling	$35,933,000
Georgia	Fort Benning	$17,000,000
Mississippi	MTA Camp Shelby	$30,000,000
North Carolina	Fort Bragg	$6,100,000
Ohio	Wright-Patterson Air Force Base	$35,000,000
Tennessee	Memphis International Airport	$4,780,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for energy conservation projects as specified in the funding table in section 4601, the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, for the installations or locations outside the United States, and in the amounts, set forth in the following table:

ERCIP Projects: Outside the United States

Country	Installation or Location	Amount
Unspecified Worldwide	Unspecified Worldwide Locations	$142,500,000

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2020, 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, 2020, 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.

SEC. 2503. EXECUTION OF PROJECTS UNDER THE NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM.

(a) IN GENERAL.—Subchapter II of chapter 138 of title 10, United States Code, is amended by striking section 2350m and inserting the following new section 2350m:

"§ 2350m. Execution of projects under the North Atlantic Treaty Organization Security Investment Program

''(a) AUTHORITY TO EXECUTE PROJECTS.—When the United States is designated as the Host Nation for purposes of executing a project under the North Atlantic Treaty Organization Security Investment Program (in this section referred to as the 'Program'), the Secretary of Defense may accept such designation and carry out such project consistent with the requirements of this section.

''(b) PROJECT FUNDING.—The Secretary of Defense may fund authorized expenditures of projects accepted under subsection (a) with—

''(1) contributions under subsection (c);

''(2) appropriations of the Department of Defense for the Program when directed by the North Atlantic Treaty Organization to apply amounts of such appropriations as part of the share of contributions of the United States for the Program; or

''(3) any combination of amounts described in paragraphs (1) and (2).

''(c) AUTHORITY TO ACCEPT CONTRIBUTIONS.—(1) The Secretary of Defense may accept contributions from the North Atlantic Treaty Organization and member nations of the North Atlantic Treaty Organization for the purpose of carrying out a project under subsection (a).

''(2) Contributions accepted under paragraph (1) shall be placed in an account established for the purpose of carrying out the project for which the funds were provided and shall remain available until expended.

''(3)(A) If contributions are made under paragraph (1) as reimbursement for a project or portion of a project previously completed by the Department of Defense, such contributions shall be credited to—

''(i) the appropriations used for the project or portion thereof, if such appropriations have not yet expired; or

''(ii) the appropriations for the Program, if the appropriations described in clause (i) have expired.

''(B) Funding credited under subparagraph (A) shall merge with and remain available for the same purposes and duration as the appropriations to which credited.

''(d) OBLIGATION AUTHORITY.—The construction agent of the Department of Defense designated by the Secretary of Defense to execute a project under subsection (a) may recognize the North Atlantic Treaty Organization project authorization amounts as budgetary resources to incur obligations against for the purposes of executing the project.

''(e) INSUFFICIENT CONTRIBUTIONS.—(1) In the event that the North Atlantic Treaty Organization does not agree to contribute funding for all costs necessary for the Department of Defense to carry out a project under subsection (a), including necessary personnel costs of the construction agent designated by the Department of Defense, contract claims, and any conjunctive funding requirements that exceed the project authorization or standards of the North Atlantic Treaty Organization, the Secretary of Defense, upon determination that completion of the project is in the national interest of the United States, may fund such costs using any funds available in appropriations for the Program.

''(2) The use of funds under paragraph (1) from appropriations for the Program may be in addition to or in place of any other funding sources otherwise available for the purposes for which those funds are used.

''(f) AUTHORIZED EXPENDITURES DEFINED.—In this section, the term 'authorized expenditures' means project expenses for which the North Atlantic Treaty Organization has agreed to contribute funding.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 138 of such title is amended by striking the item relating to section 2350m and inserting the following new item:

''2350m. Execution of projects under the North Atlantic Treaty Organization Security Investment Program.''.

(c) CONFORMING REPEALS.—

(1) 2019.—Section 2502 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 2252) is amended—

(A) in subsection (a)—

(i) by striking ''(a) AUTHORIZATION.—Funds'' and inserting ''Funds''; and

(ii) by striking the second sentence; and

(B) by striking subsection (b).

(2) 2020.—Section 2502 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended—

(A) in subsection (a), by striking ''(a) AUTHORIZATION.—Funds'' and inserting ''Funds''; and

(B) by striking subsection (b).

Subtitle B—Host Country In-Kind Contributions

SEC. 2511. REPUBLIC OF KOREA FUNDED CONSTRUCTION PROJECTS.

Pursuant to agreement with the Republic of Korea for required in-kind contributions, the Secretary of Defense may accept military construction projects for the installations or locations in the Republic of Korea, and in the amounts, set forth in the following table:

Republic of Korea Funded Construction Projects

Component	Installation or Location	Project	Amount
Army	Camp Carroll	Site Development	$49,000,000
Army	Camp Humphreys	Attack Reconnaissance Battalion Hangar	$99,000,000
Army	Camp Humphreys	Hot Refuel Point	$35,000,000
Navy	COMROKFLT Naval Base, Busan	Maritime Operations Center	$26,000,000
Air Force	Daegu Air Base	AGE Facility and Parking Apron	$14,000,000
Air Force	Kunsan Air Base	Backup Generator Plant	$19,000,000
Air Force	Osan Air Base	Aircraft Corrosion Control Facility (Phase 3)	$12,000,000
Air Force	Osan Air Base	Child Development Center	$20,000,000
Air Force	Osan Air Base	Relocate Munitions Storage Area Delta (Phase 1)	$84,000,000

Republic of Korea Funded Construction Projects—Continued

Component	Installation or Location	Project	Amount
Defense-Wide	Camp Humphreys	Elementary School	$58,000,000

SEC. 2512. QATAR FUNDED CONSTRUCTION PROJECTS.

Pursuant to agreement with the State of Qatar for required in-kind contributions, the Secretary of Defense may accept military construction projects for the installation in the State of Qatar, and in the amounts, set forth in the following table:

State of Qatar Funded Construction Projects

Component	Installation or Location	Project	Amount
Air Force	Al Udeid	Billet (A12)	$63,000,000
Air Force	Al Udeid	Billet (B12)	$63,000,000
Air Force	Al Udeid	Billet (D10)	$77,000,000
Air Force	Al Udeid	Billet (009)	$77,000,000
Air Force	Al Udeid	Billet (007)	$77,000,000
Air Force	Al Udeid	Armory/Mount	$7,200,000
Air Force	Al Udeid	Billet (A06)	$77,000,000
Air Force	Al Udeid	Dining Facility	$14,600,000
Air Force	Al Udeid	Billet (BOS)	$77,000,000
Air Force	Al Udeid	Billet (B04)	$77,000,000
Air Force	Al Udeid	Billet (A04)	$77,000,000
Air Force	Al Udeid	Billet (AOS)	$77,000,000
Air Force	Al Udeid	Dining Facility	$14,600,000
Air Force	Al Udeid	MSG (Base Operations Support Facility)	$9,300,000
Air Force	Al Udeid	ITN (Communications Facility)	$3,500,000

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard installations or locations inside the United States, and in the amounts, set forth in the following table:

Army National Guard

State	Installation or Location	Amount
Arizona	Tucson	$18,100,000
Arkansas	Fort Chaffee	$15,000,000
California	Bakersfield	$9,300,000
Colorado	Peterson Air Force Base	$15,000,000
Indiana	Shelbyville	$12,000,000
Kentucky	Frankfort	$15,000,000
Mississippi	Brandon	$10,400,000
Nebraska	North Platte	$9,300,000
New Jersey	Joint Base McGuire-Dix-Lakehurst	$15,000,000
Ohio	Columbus	$15,000,000
Oklahoma	Ardmore	$9,800,000
Oregon	Hermiston	$25,035,000
Puerto Rico	Fort Allen	$37,000,000
South Carolina	Joint Base Charleston	$15,000,000
Tennessee	McMinnville	$11,200,000
Texas	Fort Worth	$13,800,000
Utah	Nephi	$12,000,000
Virgin Islands	St. Croix	$39,400,000
Wisconsin	Appleton	$11,600,000

SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve installations or locations inside the United States, and in the amounts, set forth in the following table:

Army Reserve

State	Installation or Location	Amount
Florida	Gainesville	$36,000,000
Massachusetts	Devens Reserve Forces Training Area	$8,700,000
North Carolina	Asheville	$24,000,000
Wisconsin	Fort McCoy	$17,100,000

SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Marine Corps Reserve installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy Reserve and Marine Corps Reserve

State	Installation or Location	Amount
Maryland	Reisterstown	$39,500,000
Minnesota	Naval Operational Support Center Minneapolis	$12,800,000
Utah	Hill Air Force Base	$25,010,000

SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard installations or locations inside the United States, and in the amounts, set forth in the following table:

Air National Guard

State	Installation or Location	Amount
Alabama	Montgomery Regional Airport	$23,600,000
Guam	Joint Region Marianas	$20,000,000
Maryland	Joint Base Andrews	$9,400,000
North Dakota	Hector International Airport	$17,500,000
Texas	Joint Base San Antonio	$10,800,000

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 installation inside the United States, and in the amount, set forth in the following table:

Air Force Reserve

State	Installation	Amount
Texas	Joint Reserve Base Fort Worth	$39,200,000

SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2020, 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.

SEC. 2607. MODIFICATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 2020 PROJECT IN ALABAMA.

In the case of the authorization contained in the table in section 2601 of the Military Construction Authorization Act for Fiscal Year 2020 (division B of Public Law 116–92) for Anniston Army Depot, Alabama, for construction of an Enlisted Transient Barracks as specified in the funding table in section 4601 of such Act, the Secretary of the Army may construct a training barracks at Fort McClellan, Alabama.

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, 2020, 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 AND GENERAL PROVISIONS

Subtitle A—Military Construction Program

SEC. 2801. RESPONSIBILITY OF NAVY FOR MILITARY CONSTRUCTION REQUIREMENTS FOR CERTAIN FLEET READINESS CENTERS.

In the case in which a Fleet Readiness Center is a tenant command aboard an installation of the Marine Corps, the Navy shall be responsible for programming, requesting, and executing any military construction requirements for the Fleet Readiness Center.

SEC. 2802. CONSTRUCTION OF GROUND-BASED STRATEGIC DETERRENT LAUNCH FACILITIES AND LAUNCH CENTERS FOR AIR FORCE.

(a) AUTHORITY TO CARRY OUT PROJECTS.—Subject to subsections (b) and (d) and within the amount appropriated for such purpose, the Secretary of the Air Force may carry out military construction projects to convert Minuteman III launch facilities and launch centers to ground-based strategic deterrent configurations.

(b) MASTER PLAN.—

(1) IN GENERAL.—Prior to the authority under subsection (a) being available for use, the Secretary of the Air Force shall submit to the congressional defense committees a master plan, broken out by year and location, for the planned launch facilities and launch centers to be converted to ground-based strategic deterrent configurations pursuant to a project under this section.

(2) SPENDING PLAN.—The master plan submitted under paragraph (1) shall include a spending plan with estimated amounts to be requested with respect to each planned location for conversion to ground-based strategic deterrent configurations.

(c) MANAGEMENT OF DESIGN AND CONSTRUCTION.—The Secretary of the Air Force may select a single, prime contractor to manage the design and construction phases of projects carried out under subsection (a).

(d) CONGRESSIONAL NOTIFICATION.—

(1) REPORT.—When a decision is made to carry out a project under subsection (a) and before carrying out such project, the Secretary of the Air Force shall submit to the congressional defense committees a report on that decision.

(2) ELEMENTS.—Subject to paragraph (3), the report submitted under paragraph (1) with respect to a project under subsection (a) shall include a justification for carrying out the project and a complete Department of Defense Form 1391 for the project.

(3) SINGLE SUBMISSION.—The Secretary of the Air Force may group multiple locations at which a project is to be carried out under subsection (a) into a single submission on a Department of Defense Form 1391 to allow all included locations to be considered as a single project.

(e) FUNDING.—In fiscal year 2021, the Secretary of the Air Force may expend amounts available to the Secretary for research, development, test, and evaluation for the purposes of planning and design to support the projects described in subsection (a).

(f) EXISTING AUTHORITIES.—The Secretary of the Air Force shall use existing authorities, as applicable, to carry out this section, including sections 2304 and 2853 of title 10, United States Code.

Subtitle B—Military Family Housing

SEC. 2821. PROHIBITION ON SUBSTANDARD FAMILY HOUSING UNITS.

(a) IN GENERAL.—Subchapter II of chapter 169 of title 10, United States Code, is amended by striking section 2830 and inserting the following new section:

"§ 2830. Prohibition on substandard family housing units

''The Secretary concerned may not lease a substandard family housing unit to a member of a uniformed service for occupancy by such member.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of such chapter is amended by striking the item relating to section 2830 and inserting the following new item:

''2830. Prohibition on substandard family housing units.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2021.

SEC. 2822. TECHNICAL CORRECTIONS TO PRIVATIZED MILITARY HOUSING PROGRAM.

(a) CHIEF HOUSING OFFICER.—Section 2890a of title 10, United States Code—

(1) is amended—

(A) in subsection (a)(1), by striking ''housing units'' and inserting ''all military housing''; and

(B) in subsection (b)(1), in the matter preceding subparagraph (A), by striking ''under subchapter IV and this subchapter'' and inserting ''by the Department of Defense under this chapter'';

(2) is transferred so as to appear at the end of subchapter III of chapter 169 of such title; and

(3) is redesignated as section 2870a.

(b) PRIVATIZED HOUSING REFORM.—Subchapter V of chapter 169 of such title is amended—

(1) in section 2890—

(A) in subsection (b)(15), by striking ''and held in escrow'';

(B) in subsection (e)(2), in the matter preceding subparagraph (A), by inserting ''a'' before ''landlord''; and

(C) in subsection (f)(2)—

(i) by striking ''executed as'' and inserting ''executed—

''(A) as'';

(ii) in subparagraph (A), as designated by clause (i), by striking the period at the end and inserting ''; or''; and

(iii) by adding at the end the following new subparagraph:

''(B) to avoid litigation if the tenant has retained legal counsel or has sought military legal assistance under section 1044 of this title.'';

(2) in section 2891—

(A) in subsection (e)—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A), by inserting ''unit'' after ''different housing'';

(II) in subparagraph (B), by inserting ''the'' before ''tenant''; and

(ii) in paragraph (2)(B), by inserting ''the'' before ''tenant'';

(3) in section 2891a—

(A) in subsection (b)(2), by adding a period at the end;

(B) in subsection (d)(11)—

(i) by striking ''A landlord'' and inserting ''Upon request by a prospective tenant, a landlord''; and

(ii) by striking ''prospective tenants to housing units'' and inserting ''the prospective tenant to a housing unit''; and

(C) in subsection (e)(2)(B) by striking ''the any'' and inserting ''any'';

(4) in section 2892a—

(A) by striking ''The Secretary concerned'' and inserting ''(a) IN GENERAL.—The Secretary concerned'';

(B) by striking ''years. In this section'' and inserting ''years.

''(b) MAINTENANCE DEFINED.—In this section'';

(C) in subsection (a), as designated by subparagraph (A), by striking ''housing unit, before the prospective tenant'' and all that follows through the period at the end and inserting ''housing unit—

''(1) not later than five business days before the prospective tenant is asked to sign the lease, a summary of maintenance conducted with respect to that housing unit for the previous seven years; and

''(2) not later than two business days after requested by the prospective tenant, all information regarding maintenance conducted with respect to that housing unit during such period.''; and

(D) in subsection (b), as designated by subparagraph (B), by striking ''such period'' and inserting ''the period specified in subsection (a)(1)'';

(5) in section 2893, by striking ''propensity for'' and inserting ''pattern of''; and

(6) in section 2894—

(A) in subsection (b), by adding at the end the following new paragraph:

''(6) The dispute resolution process shall require the installation or regional commander (as the case may be) to record each dispute in the complaint database established under section 2894a of this title.'';

(B) in subsection (c)—

(i) in paragraph (1), in the matter preceding subparagraph (A), by striking ''24 hours'' and inserting ''two business days'';

(ii) in paragraph (3)—

(I) by inserting ''business'' before ''days''; and

(II) by inserting '', such office'' before ''shall complete'';

(iii) in paragraph (4), in the matter preceding subparagraph (A), by inserting '', at a minimum,'' before ''the following persons'';

(iv) in paragraph (5)—

(I) by inserting ''calendar'' before ''days'' each place it appears; and

(II) in subparagraph (B), by striking ''30-day period'' and inserting ''30-calendar-day period''; and

(v) by striking paragraph (6) and inserting the following new paragraph (6):

''(6) Except as provided in paragraph (5)(B), a final decision shall be transmitted to the tenant, landlord, and the installation or regional commander (as the case may be) not later than 30 calendar days after the request was submitted.''; and

(C) in subsection (e)—

(i) by striking paragraph (3);

(ii) by redesignating paragraph (2) as paragraph (3);

(iii) in paragraph (1), in the matter preceding subparagraph (A), by striking '', the tenant may'' and all that follows through ''in which—'' and inserting ''regarding maintenance guidelines or procedures or habitability, the tenant may request that all or part of the payments described in paragraph (3) for lease of the housing unit be segregated and not used by the property owner, property manager, or landlord pending completion of the dispute resolution process.

''(2) The amount allowed to be withheld under paragraph (1) shall be limited to amounts associated with the period in which—''; and

(iv) in paragraph (3), as redesignated by clause (ii), by striking ''Paragraph (1)'' and inserting ''This subsection''.

(c) REPORTS.—Section 2884(c)(10) of such title is amended by striking ''specific analysis'' and all that follows through the period at the end and inserting ''list of dispute resolution cases by installation and the final outcome of each such case.''.

(d) PAYMENT AUTHORITY.—Section 606(a) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 2871 note) is amended—

(1) in paragraph (1)(A), by inserting ''monthly'' before ''payments'';

(2) in paragraph (2)(A), by striking ''payments to'' and all that follows through ''subparagraph (C)'' and inserting ''monthly payments, under such terms and in such amounts as determined by the Secretary, to one of more lessors responsible for underfunded MHPI housing projects identified pursuant to subparagraph (C) under the jurisdiction of the Secretary''; and

(3) in paragraph (3)(B), by inserting ''that'' before ''require''.

(e) SUSPENSION OF RESIDENT ENERGY CONSERVATION PROGRAM.—Section 3063(b) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended—

(1) by striking ''on the installation military housing unit''; and

(2) by striking ''on the'' and inserting ''covered by a program suspended under subsection (a) on that''.

(f) CLERICAL AMENDMENTS.—

(1) CHIEF HOUSING OFFICER.—

(A) ADDITION.—The table of sections at the beginning of subchapter III of chapter 169 of title 10, United States Code, is amended by inserting after the item relating to section 2870 the following new item:

''2870a. Chief Housing Officer.''.

(B) REPEAL.—The table of sections at the beginning of subchapter V of chapter 169 of such title is amended by striking the item relating to section 2890a.

(2) DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION.—The table of sections at the beginning of subchapter V of such title is amended by striking the item relating to section 2892b and inserting the following new item:

''2892b. Prohibition on requirement to disclose personally identifiable information in requests for certain maintenance.''.

SEC. 2823. REQUIREMENT THAT SECRETARY OF DEFENSE IMPLEMENT RECOMMENDATIONS RELATING TO MILITARY FAMILY HOUSING CONTAINED IN REPORT BY INSPECTOR GENERAL OF DEPARTMENT OF DEFENSE.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall implement the recommendations of the Inspector General of the Department of Defense contained in the report of the Inspector General dated April 30, 2020, and entitled ''Evaluation of the DoD's Management of Health and Safety Hazards in Government-Owned and Government-Controlled Military Family Housing''.

Subtitle C—Project Management and Oversight Reforms

SEC. 2841. PROMOTION OF ENERGY RESILIENCE AND ENERGY SECURITY IN PRIVATIZED UTILITY SYSTEMS.

(a) UTILITY PRIVATIZATION CONTRACT RENEWALS.—Section 2688(d)(2) of title 10, United States Code, is amended—

(1) in the first sentence, by inserting ''or the renewal of such a contract'' after ''paragraph (1)''; and

(2) by adding at the end the following new sentence: ''A renewal of a contract pursuant to this paragraph may be entered into only within the last 5 years of the existing contract term.''.

(b) USE OF ERCIP FUNDS ON PRIVATIZED UTILITY SYSTEMS.—Section 2914 of such title is amended—

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

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

''(c) USE OF CERTAIN OTHER AUTHORITIES.—A project under this section may be—

''(1) carried out in conjunction with the authorities provided in subsections (j), and (k) of section 2688 of this title and section 2913 of this title, notwithstanding that the United States does not own a utility system covered by the project; or

''(2) included as a separate requirement in a contract entered into pursuant to title VIII of the National Energy Conservation Policy Act (42 U.S.C. 8287 et seq.).''.

SEC. 2842. CONSIDERATION OF ENERGY SECURITY AND ENERGY RESILIENCE IN LIFE-CYCLE COST FOR MILITARY CONSTRUCTION.

(a) IN GENERAL.—Subchapter I of chapter 169 of title 10, United States Code, is amended by inserting after section 2815 the following new section:

''§ 2816. Consideration of energy security and energy resilience in life-cycle cost for military construction

''(a) IN GENERAL.—(1) The Secretary concerned, when evaluating the life-cycle designed cost of a covered military construction project, shall include as a facility requirement the long-term consideration of energy security and energy resilience that would ensure that the resulting facility is capable of continuing to perform its missions, during the life of the facility, in the event of a natural or human-caused disaster, an attack, or any other unplanned event that would otherwise interfere with the ability of the facility to perform its missions.

''(2) A facility requirement under paragraph (1) shall not be weighed, for cost purposes, against other facility requirements in determining the design of the facility.

''(b) INCLUSION IN THE BUILDING LIFE-CYCLE COST PROGRAM.—The Secretary shall include the requirements of subsection (a) in applying the latest version of the building life-cycle cost program, as developed by the National Institute of Standards and Technology, to consider on-site distributed energy assets in a building design for a covered military construction project.

''(c) COVERED MILITARY CONSTRUCTION PROJECT DEFINED.—(1) In this section, the term 'covered military construction project' means a military construction project for a facility that is used to perform critical functions during a natural or human-caused disaster, an attack, or any other unplanned event.

''(2) For purposes of paragraph (1), the term 'facility' includes any of the following:

''(A) Operations centers.

''(B) Nuclear command and control facilities.

''(C) Integrated strategic and tactical warning and attack assessment facilities.

''(D) Continuity of government facilities.

''(E) Missile defense facilities.

''(F) Air defense facilities.

''(G) Hospitals.

''(H) Armories and readiness centers of the National Guard.

''(I) Communications facilities.

''(J) Satellite and missile launch and control facilities.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of such chapter is amended by inserting after the item relating to section 2815 the following new item:

''2816. Consideration of energy security and energy resilience in life-cycle cost for military construction.''.

Subtitle D—Land Conveyances

SEC. 2861. RENEWAL OF FALLON RANGE TRAINING COMPLEX LAND WITHDRAWAL AND RESERVATION.

Notwithstanding section 3015 of the Military Lands Withdrawal Act of 1999 (title XXX of Public Law 106–65; 113 Stat. 892), the withdrawal and reservation of lands (known as the Fallon Range Training Complex) made by section 3011(a) of such Act (113 Stat. 885) shall terminate on November 6, 2041.

SEC. 2862. RENEWAL OF NEVADA TEST AND TRAINING RANGE LAND WITHDRAWAL AND RESERVATION.

Notwithstanding section 3015 of the Military Lands Withdrawal Act of 1999 (title XXX of Public Law 106–65; 113 Stat. 892), the withdrawal and reservation of lands (known as the Nevada Test and Training Range) made by section 3011(b) of such Act (113 Stat. 886) shall terminate on November 6, 2041.

SEC. 2863. TRANSFER OF LAND UNDER THE ADMINISTRATIVE JURISDICTION OF THE DEPARTMENT OF THE INTERIOR WITHIN NAVAL SUPPORT ACTIVITY PANAMA CITY, FLORIDA.

(a) AUTHORITY.—The Secretary of the Interior shall transfer to the Secretary of the Navy, without consideration, approximately 1.23 acres of land within Naval Support Activity Panama City, Florida, that are used on the day before the date of the enactment of this Act by the Department of the Navy pursuant to Executive Order 10355 (17 Fed. Reg. 4831; relating to delegating to the Secretary of the Interior the authority of the President to withdraw or reserve lands of the United States for public purposes) and the public land order entitled ''Public Land Order 952'' (19 Fed. Reg. 2085 (April 10, 1954)).

(b) STATUS OF FEDERAL LAND AFTER TRANSFER.—Upon completion of a transfer to the Secretary of the Navy of a parcel of land under subsection (a), the parcel received by the Secretary of the Navy shall cease to be public land and shall be treated as property (as defined in section 102(9) of title 40, United States Code) under the administrative jurisdiction of the Secretary of the Navy.

(c) REIMBURSEMENT.—The Secretary of the Navy shall reimburse the Secretary of the Interior for any costs incurred by the Secretary of the Interior for preparing a legal description of the land to be transferred under subsection (a).

SEC. 2864. LAND CONVEYANCE, CAMP NAVAJO, ARIZONA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army (in this section referred to as the ''Secretary'') may convey, without consideration, to the State of Arizona Department of Emergency and Military Affairs (in this section referred to as the ''State''), all right, title, and interest of the United States in and to a parcel of real property (in this section referred to as the ''Property''), including any improvements thereon, consisting of not more than 3,000 acres at Camp Navajo, Arizona, for the purpose of permitting the State to use the Property for—

(1) training the Arizona Army and Air National Guard; and

(2) defense industrial base economic development purposes that are compatible with the environmental security and primary National Guard training purpose of Camp Navajo.

(b) CONDITIONS ON CONVEYANCE.—The conveyance authorized by subsection (a) shall be subject to the following conditions:

(1) USE OF REVENUES.—The State shall use all revenues generated by uses of the Property to support the training requirements of the Arizona Army and Air National Guard, to include necessary infrastructure maintenance and capital improvements.

(2) AUDIT.—The United States Property and Fiscal Office for the State of Arizona shall periodically audit all revenues generated by uses of the Property and all uses of such revenue, and shall provide the audit results to the Chief of the National Guard Bureau.

(c) REVERSIONARY INTEREST.—

(1) IN GENERAL.—If the Secretary determines at any time that the Property is not being used in accordance with the purpose of the conveyance authorized by subsection (a), or that the State has not complied with the conditions specified in subsection (b), all right, title, and interest in and to the Property, including any improvements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto the Property.

(2) RECORD.—A determination by the Secretary under paragraph (1) shall be made on the record after an opportunity for a hearing.

(d) ALTERNATIVE CONSIDERATION OPTION.—

(1) CONSIDERATION OPTION.—In lieu of exercising the reversionary interest under subsection (c), the Secretary may accept an offer by the State to pay to the United States an amount equal to the fair market value of the Property, excluding the value of any improvements on the Property constructed without Federal funds after the date of the conveyance authorized by subsection (a), as determined by the Secretary.

(2) TREATMENT OF CONSIDERATION RECEIVED.—Consideration received by the Secretary under paragraph (1) shall be deposited in the special account in the Treasury established for the Secretary under subsection (e) of section 2667 of title 10, United States Code, and shall be available to the Secretary for the same uses and subject to the same limitations as provided in that section.

(e) PAYMENT OF COST OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—

(A) IN GENERAL.—The Secretary shall require the State to cover costs to be incurred by the Secretary, or to reimburse the Secretary for such costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs for environmental documentation related to the conveyance, and any other administrative costs related to the conveyance.

(B) REFUND OF EXCESS AMOUNTS.—If amounts are collected from the State in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the State.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1)(A) shall be credited to the fund or account that was used to cover those costs incurred by the Secretary in carrying out the conveyance or, if the period of availability for obligations for that appropriation has expired, to the appropriations or fund that is currently available to the Secretary for the same purpose. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the Property shall be determined by a survey satisfactory to the Secretary.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance as the Secretary considers appropriate to protect the interests of the United States.

(h) ENVIRONMENTAL OBLIGATIONS.—Nothing in this section shall be construed as alleviating, altering, or affecting the responsibility of the United States for cleanup and

remediation of the Property in accordance with—

(1) the Defense Environmental Restoration Program under section 2701(a)(1) of title 10, United States Code; and

(2) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

Subtitle E—Other Matters

SEC. 2881. MILITARY FAMILY READINESS CONSIDERATIONS IN BASING DECISIONS.

(a) TAKING OF CONSIDERATIONS INTO ACCOUNT REQUIRED.—In determining whether to proceed with any basing decision in the United States after the date of the enactment of this Act, the Secretary of the military department concerned shall take into account, among such other factors as such Secretary considers appropriate, the military family readiness considerations specified in subsection (b).

(b) MILITARY FAMILY READINESS CONSIDERATIONS.—The military family readiness considerations specified in this subsection are the following:

(1) INTERSTATE PORTABILITY OF PROFESSIONAL LICENSURE AND CERTIFICATION CREDENTIALS.—The extent to which the State in which the installation subject to the basing decision is or will be located accepts as valid professional licensure and certification credentials obtained in other States, including professional licensure and certification credentials in the following professional fields (and any subfield of such field):

(A) Accounting.

(B) Cosmetology.

(C) Emergency medical service.

(D) Engineering.

(E) Law.

(F) Nursing.

(G) Physical therapy.

(H) Psychology.

(I) Teaching.

(J) Such other professional fields (and subfields of such fields) as the Secretary of Defense shall specify for purposes of this paragraph.

(2) PUBLIC EDUCATION.—The extent to which public education is available and accessible to dependents of members of the Armed Forces in the military housing area in which the installation subject to the basing decision is or will be located, including with respect to the following:

(A) Academic performance of schools, including student-to-teacher ratios and learning rates and graduation rates.

(B) Social climate within schools, including absenteeism rates and suspension rates.

(C) Availability, accessibility, and quality of services, including pre-kindergarten, counselors and mental health support, student-to-nurse ratios, and services for military dependents with special needs as required by law.

(3) HOUSING.—The extent to which housing (including family housing) that meets Department of Defense requirements is available and accessible to members of the Armed Forces through the private sector in the military housing area in which the installation subject to the basing decision is or will be located.

(4) HEALTH CARE.—The extent to which primary healthcare and specialty healthcare is available and accessible to dependents of members of the Armed Forces through the private sector in the local community in which the installation subject to the basing decision is or will be located, including care for military dependents with special needs.

(5) INTERGOVERNMENTAL SUPPORT.—The extent to which the State in which the installation subject to the basing decision is or will be located, and local governments in the vicinity of the installation, have or will have intergovernmental support agreements with the installation for the effective and efficient provision of public services to the installation.

(6) OTHER CONSIDERATIONS.—Such other considerations in connection with military family readiness as the Secretary of Defense shall specify for purposes of this subsection.

(c) ANALYTICAL FRAMEWORK.—The Secretary of a military department shall take into account the considerations specified in subsection (b), among such other factors as the Secretary considers appropriate, in determining whether to proceed with a basing decision under subsection (a) using an analytical framework developed by the Secretary for that purpose that uses criteria based on quantitative data available to the Department of Defense and on such reliable quantitative data from sources outside the Department as the Secretary considers appropriate.

(d) BASING DECISION SCORECARD.—

(1) IN GENERAL.—Each Secretary of a military department shall establish and maintain a scorecard on military installations under the jurisdiction of such Secretary, and on States and localities in which such installations are or may be located, relevant to the taking into account of the considerations specified in subsection (b) in determinations of such Secretary on basing decisions as required by subsection (a).

(2) UPDATE.—Each Secretary shall update the scorecard required of such Secretary by this subsection not less frequently than once each year in order to keep the information in such scorecard as current as is practicable.

(3) AVAILABILITY TO PUBLIC.—A current version of each scorecard under this subsection shall be available to the public through an Internet website of the military department concerned that is accessible to the public.

(e) BRIEFINGS.—Not later than April 1 of each of 2021, 2022, and 2023, the Secretary of Defense shall brief the Committees on Armed Services of the Senate and the House of Representatives on actions taken pursuant to this section, including a description and assessment of the effect of the taking into account of the considerations specified in subsection (b) on particular basing decisions in the United States during the one-year period ending on the date of the briefing.

(f) BASING DECISION DEFINED.—In this section, the term ''basing decision'' means any of the following:

(1) The establishment of a new mission at a military installation.

(2) The relocation of an existing mission from a military installation to another military installation.

(3) The establishment of a new military installation.

SEC. 2882. 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 any other Act 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. 2883. PROHIBITIONS RELATING TO CLOSURE OR RETURNING TO HOST NATION OF EXISTING BASES UNDER THE EUROPEAN CONSOLIDATION INITIATIVE.

(a) PROHIBITION ON USE OF FUNDS.—No funds authorized to be appropriated by this Act for fiscal year 2021 for the Department of Defense may be obligated or expended to implement any activity that closes or returns to the host nation any existing base under the European Consolidation Initiative.

(b) PROHIBITION ON CLOSURE OR RETURN.—The Secretary of Defense shall not implement any activity that closes or returns to the host nation any existing base under the European Consolidation Initiative until the Secretary certifies that there is no longer a need for a rotational military presence in the European theater.

SEC. 2884. ENHANCEMENT OF AUTHORITY TO ACCEPT CONDITIONAL GIFTS OF REAL PROPERTY ON BEHALF OF MILITARY MUSEUMS.

Section 2601(e)(1) of title 10, United States Code, is amended by inserting ''a military museum,'' after ''offered to''.

SEC. 2885. 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:

''(1) 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 continental 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 organized under State law, or Federal credit union.

''(4) In this subsection:

''(A) The term 'covered insured depository institution' 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. 2886. REPORT ON OPERATIONAL AVIATION UNITS IMPACTED BY NOISE RESTRICTIONS OR NOISE MITIGATION MEASURES.

(a) REPORT.—Not later than 90 days after the date on which the Secretary of the Air Force or the Secretary of the Navy determines that noise restrictions placed on an operational aviation unit under the jurisdiction of the Secretary concerned prohibit the unit from reaching a combat ready or deployable status or prohibit the maintaining of aircrew currency requirements or required noise mitigation measures become

cost prohibitive to the Department of Defense, the Secretary concerned, in consultation with the Secretary of Defense, shall submit to the congressional defense committees a report setting forth—

(1) recommendations to preserve or restore the readiness of such unit; and

(2) appropriate steps to be taken by the Secretary concerned to lower the cost of noise mitigation measures.

(b) COST PROHIBITIVE.—A required noise mitigation measure shall be considered cost prohibitive to the Department of Defense for purposes of subsection (a) if the cost to implement the measure at an installation exceeds 10 percent of the annual budget for the installation for facilities sustainment, restoration, and modernization.

TITLE XXIX—OVERSEAS CONTINGENCY OPERATIONS MILITARY CONSTRUCTION

SEC. 2901. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of the Navy may acquire real property and carry out the military construction project for the installation outside the United States, and in the amount, set forth in the following table:

Navy: Outside the United States

Country	Installation	Amount
Spain	Rota	$59,230,000

SEC. 2902. 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

Country	Installation	Amount
Germany	Ramstein	$36,345,000
	Spangdahlem Air Base	$25,824,000
Romania	Campia Turzii	$130,500,000

SEC. 2903. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2020, for the military construction projects outside the United States authorized by this title as specified in the funding table in section 4602.

SEC. 2904. REPLENISHMENT OF CERTAIN MILITARY CONSTRUCTIONS FUNDS.

(a) IN GENERAL.—Of the amount authorized to be appropriated for fiscal year 2021 by section 2903 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 2021 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, 2021.

(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 increase the authorized amount of the project or the amount authorized to be available for the project.

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 2021 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 21–D–510, HE Synthesis, Formulation, and Production, Pantex Plant, Amarillo, Texas, $31,000,000.

Project 21–D–511, Savannah River Plutonium Processing Facility, Savannah River Site, Aiken, South Carolina, $241,900,000.

Project 21–D–512, Plutonium Pit Production Project, Los Alamos National Laboratory, Los Alamos, New Mexico, $226,000,000.

Project 21–D–530, KL Steam and Condensate Upgrades, Knolls Atomic Power Laboratory, Schenectady, New York, $4,000,000.

General Plant Project, U1a.03 Test Bed Facility Improvements, Nevada National Security Side, Nevada, $16,000,000.

General Plant Project, TA–15 DARHT Hydro Vessel Repair Facility, Los Alamos National Laboratory, New Mexico, $16,500,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2021 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 project:

Project 21–D–401, Hoisting Capability Project, Waste Isolation Pilot Plant, Carlsbad, New Mexico, $10,000,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2021 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 2021 for nuclear energy as specified in the funding table in section 4701.

Subtitle B—Budget of the National Nuclear Security Administration

SEC. 3111. REVIEW OF ADEQUACY OF NUCLEAR WEAPONS BUDGET.

(a) IN GENERAL.—Subtitle A of title XVII of the Atomic Energy Defense Act (50 U.S.C. 2741 et seq.) is amended by adding at the end the following new section:

"SEC. 4717. REVIEW OF ADEQUACY OF NUCLEAR WEAPONS BUDGET.

"(a) REVIEW OF ADEQUACY OF ADMINISTRATION BUDGET BY NUCLEAR WEAPONS COUNCIL.—

"(1) TRANSMISSION TO COUNCIL.—The Secretary of Energy shall transmit to the Nuclear Weapons Council (in this section referred to as the 'Council') a copy of the proposed budget request of the Administration for each fiscal year before that budget request is submitted to the Director of the Office of Management and Budget in relation to the preparation of the budget of the President to be submitted to Congress under section 1105(a) of title 31, United States Code.

"(2) REVIEW AND DETERMINATION OF ADEQUACY.—

"(A) REVIEW.—The Council shall review each budget request transmitted to the Council under paragraph (1).

"(B) DETERMINATION OF ADEQUACY.—

''(i) INADEQUATE REQUESTS.—If the Council determines that a budget request for a fiscal year transmitted to the Council under paragraph (1) is inadequate, in whole or in part, to implement the objectives of the Department of Defense with respect to nuclear weapons for that fiscal year, the Council shall submit to the Secretary of Energy a written description of funding levels and specific initiatives that would, in the determination of the Council, make the budget request adequate to implement those objectives.

''(ii) ADEQUATE REQUESTS.—If the Council determines that a budget request for a fiscal year transmitted to the Council under paragraph (1) is adequate to implement the objectives described in clause (i) for that fiscal year, the Council shall submit to the Secretary of Energy a written statement confirming the adequacy of the request.

''(iii) RECORDS.—The Council shall maintain a record of each description submitted under clause (i) and each statement submitted under clause (ii).

''(3) DEPARTMENT OF ENERGY RESPONSE.—

''(A) IN GENERAL.—If the Council submits to the Secretary of Energy a written description under paragraph (2)(B)(i) with respect to the budget request of the Administration for a fiscal year, the Secretary shall include the funding levels and initiatives identified in that description in the budget request before submitting the budget request to the Director of the Office of Management and Budget.

''(B) SUMMARY OF CHANGES.—The Secretary shall include, as an appendix to the budget request of the Administration submitted to the Director under subparagraph (A)—

''(i) a summary of the changes made to the budget request under subparagraph (A); and

''(ii) any additional comments the Secretary considers appropriate.

''(C) TRANSMISSION TO CONGRESS.—The Secretary of Energy shall transmit to Congress, with the budget justification materials submitted in support of the Department of Energy budget for a fiscal year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code), a copy of the appendix described in subparagraph (B).

''(b) REVIEW AND CERTIFICATION OF DEPARTMENT OF ENERGY BUDGET BY NUCLEAR WEAPONS COUNCIL.—

''(1) IN GENERAL.—At the time the Secretary of Energy submits the budget request of the Department of Energy for that fiscal year to the Director of the Office of Management and Budget in relation to the preparation of the budget of the President, the Secretary shall transmit a copy of the budget request of the Department to the Council.

''(2) CERTIFICATION.—The Council shall—

''(A) review the budget request transmitted to the Council under paragraph (1);

''(B) based on the review under subparagraph (A), make a determination with respect to whether the budget request includes the funding levels and initiatives described in subsection (a)(2)(B)(i); and

''(C) submit to Congress—

''(i)(I) a certification that the budget request is adequate to implement the objectives described in subsection (a)(2)(B)(i); or

''(II) a statement that the budget request is not adequate to implement those objectives; and

''(ii) a copy of the written description submitted by the Council to the Secretary under subsection (a)(2)(B)(i), if any.''.

(b) CLERICAL AMENDMENT.—The table of contents for such Act is amended by inserting after the item relating to section 4716 the following new item:

''Sec. 4717. Review of adequacy of nuclear weapons budget.''.

SEC. 3112. TREATMENT OF BUDGET OF NATIONAL NUCLEAR SECURITY ADMINISTRATION.

Section 3251(a) of the National Nuclear Security Administration Act (50 U.S.C. 2451(a)) is amended to read as follows:

''(a) PRESIDENT'S BUDGET.—In each budget submitted by the President to Congress under section 1105 of title 31, United States Code, amounts requested for the Administration shall be set forth—

''(1) separately within the other amounts requested for the Department of Energy; and

''(2) within a separate budget subfunction from other atomic energy defense activities within the Department of Energy.''.

SEC. 3113. RESPONSIBILITY OF ADMINISTRATOR FOR NUCLEAR SECURITY FOR ENSURING NATIONAL NUCLEAR SECURITY ADMINISTRATION BUDGET SATISFIES NUCLEAR WEAPONS NEEDS OF DEPARTMENT OF DEFENSE.

Section 3252 of the National Nuclear Security Administration Act (50 U.S.C. 2452) is amended by adding at the end the following new subsection:

''(d) RESPONSIBILITY OF ADMINISTRATOR FOR ENSURING ADMINISTRATION BUDGET SATISFIES DEPARTMENT OF DEFENSE NEEDS.—Subject to the direction of the President, the Administrator shall, after consultation with the Secretary of Defense, ensure that the budget of the Administration is adequate to satisfy the nuclear weapons needs of the Department of Defense, including the nuclear weapons needs of the United States Strategic Command, the military departments, and other components of the Department of Defense, as appropriate.''.

SEC. 3114. PARTICIPATION OF SECRETARY OF DEFENSE IN PLANNING, PROGRAMMING, BUDGETING, AND EXECUTION PROCESS OF NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) IN GENERAL.—Subtitle D of the National Nuclear Security Administration Act (50 U.S.C. 2451 et seq.) is amended by adding at the end the following new section:

''SEC. 3255. PARTICIPATION OF SECRETARY OF DEFENSE IN PLANNING, PROGRAMMING, BUDGETING, AND EXECUTION PROCESS OF ADMINISTRATION.

''(a) GUIDANCE WITH RESPECT TO DEVELOPMENT OF BUDGET.—

''(1) IN GENERAL.—The Secretary of Defense, acting through the Nuclear Weapons Council, shall provide to the Administrator guidance with respect to the development of the budget of the Administration for each fiscal year.

''(2) NATIONAL STRATEGIES.—The guidance provided under paragraph (1) shall support the national strategy of the United States as set forth in—

''(A) the most recent national defense strategy under section 113(g) of title 10, United States Code; and

''(B) the most recent National Military Strategy under section 153(b) of such title.

''(b) PARTICIPATION IN DEVELOPMENT OF BUDGET.—The Secretary, acting through the Council, shall participate in the development of the budget of the Administration, including the preparation of the future-years nuclear security program under section 3253.

''(c) OVERSIGHT OF EXECUTION OF WEAPONS ACTIVITIES.—The Secretary, acting through the Council, shall ensure the effective execution of the activities carried out using amounts available to the Administration for weapons activities.

''(d) BUDGET OF THE ADMINISTRATION DEFINED.—In this section, the term 'budget of the Administration' means the budget of the Administration for a fiscal year, as submitted to Congress with the budget of the President for that fiscal year under section 1105(a) of title 31, United States Code.''.

(b) CLERICAL AMENDMENT.—The table of contents for the National Nuclear Security Administration Act is amended by inserting after the item relating to section 3254 the following new item:

''Sec. 3255. Participation of Secretary of Defense in planning, programming, budgeting, and execution process of Administration.''.

SEC. 3115. REQUIREMENT FOR UPDATED PLANNING, PROGRAMMING, BUDGETING, AND EXECUTION GUIDANCE FOR NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) IN GENERAL.—Not later than February 15, 2021, the Administrator for Nuclear Security shall issue updated guidance for the planning, programming, budgeting, and execution process of the National Nuclear Security Administration to replace the guidance issued on December 9, 2019 (document number NAP 130.1).

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

(1) Specification of processes for coordination with the Nuclear Weapons Council under section 179 of title 10, United States Code, and other officials of the Department of Defense at each stage of the planning, programming, budgeting, and execution process of the National Nuclear Security Administration, including coordination between—

(A) the Director for Cost Estimating and Program Evaluation of the Administration and the Director of Cost Assessment and Program Evaluation of the Department;

(B) the Associate Administrator for Management and Budget and the Under Secretary of Defense (Comptroller); and

(C) program managers of the Administration and program managers of the Department.

(2) Participation of appropriate officials of the Department in decisionmaking at each stage of the planning, programming, budgeting, and execution process of the Administration, including participation of the Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs as a member of the Management Council of the Administration.

(3) Specification of incorporation into the planning, programming, budgeting, and execution process of the Administration of planning documents of the Department of Defense, including the most recent national defense strategy under section 113(g) of title 10, United States Code.

(4) A requirement for the Chairman of the Nuclear Weapons Council to jointly sign, with the Administrator, the planning, programming, and fiscal guidance documents of the Administration.

SEC. 3116. CROSS-TRAINING IN BUDGET PROCESSES OF DEPARTMENT OF DEFENSE AND NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) IN GENERAL.—Not later than January 1, 2021, the Secretary of Defense and the Administrator for Nuclear Security shall jointly establish a program to provide for the cross-training of the personnel specified in subsection (b) on the respective budgetary and programming systems and processes of the Department of Defense and the National Nuclear Security Administration.

(b) PERSONNEL SPECIFIED.—The personnel specified in this subsection are personnel of the following:

(1) The Office of the Under Secretary of Defense (Comptroller).

(2) The Office of Management and Budget of the National Nuclear Security Administration.

(3) The Office of the Director of Cost Assessment and Program Evaluation of the Department of Defense.

(4) The Office of the Director of Cost Estimation and Program Evaluation of the Administration.

(5) The Chairman of the Nuclear Weapons Council established under section 179 of title 10, United States Code.

(6) The Office of Administrator for Nuclear Security.

(c) REPORT REQUIRED.—Not later than February 15, 2021, the Secretary and the Administrator shall jointly submit to the congressional defense committees a report on the details of the program required by subsection (a).

Subtitle C—Personnel Matters

SEC. 3121. 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 Propulsion 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 prec) 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. 3122. INCLUSION OF CERTAIN EMPLOYEES AND CONTRACTORS OF DEPARTMENT OF ENERGY IN DEFINITION OF PUBLIC SAFETY OFFICER FOR PURPOSES OF CERTAIN DEATH BENEFITS.

Section 1204(9) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10284(9)) is amended—

(1) in subparagraph (D), by striking ''or'' at the end;

(2) in subparagraph (E)(ii), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(F) an employee or contractor of the Department of Energy who—

''(i) is—

''(I) a nuclear materials courier (as defined in section 8331(27) of title 5, United States Code); or

''(II) designated by the Secretary of Energy as a member of an emergency response team; and

''(ii) is performing official duties of the Department, pursuant to a deployment order issued by the Secretary, to protect the public, property, or the interests of the United States by—

''(I) assessing, locating, identifying, securing, rendering safe, or disposing of weapons of mass destruction (as defined in section 1403 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2302)); or

''(II) managing the immediate consequences of a radiological release or exposure.''.

SEC. 3123. REIMBURSEMENT FOR LIABILITY INSURANCE FOR NUCLEAR MATERIALS COURIERS.

Section 636(c)(2) of division A of the Treasury, Postal Service, and General Government Appropriations Act, 1997 (Public Law 104–208; 5 U.S.C. prec. 5941 note) is amended by striking ''or under'' and all that follows and inserting the following: ''a special agent under section 203 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4823), or a nuclear materials courier (as defined in section 8331(27) of such title 5);''.

SEC. 3124. TRANSPORTATION AND MOVING EXPENSES FOR IMMEDIATE FAMILY OF DECEASED NUCLEAR MATERIALS COURIERS.

Section 5724d(c)(1) of title 5, United States Code, is amended—

(1) in subparagraph (B), by striking ''; and'' and inserting a semicolon; and

(2) by adding at the end the following:

''(D) any nuclear materials courier, as defined in section 8331(27); and''.

SEC. 3125. EXTENSION OF AUTHORITY FOR APPOINTMENT OF CERTAIN SCIENTIFIC, ENGINEERING, AND TECHNICAL PERSONNEL.

Section 4601(c) of the Atomic Energy Defense Act (50 U.S.C. 2701(c)) is amended by striking ''September 30, 2020'' and inserting ''September 30, 2021''.

Subtitle D—Cybersecurity

SEC. 3131. REPORTING ON PENETRATIONS OF NETWORKS OF CONTRACTORS AND SUBCONTRACTORS.

(a) IN GENERAL.—Subtitle A of title XLV of the Atomic Energy Defense Act (50 U.S.C. 2651 et seq.) is amended by adding at the end the following new section:

"SEC. 4511. REPORTING ON PENETRATIONS OF NETWORKS OF CONTRACTORS AND SUBCONTRACTORS.

''(a) PROCEDURES FOR REPORTING PENETRATIONS.—The Administrator shall establish procedures that require each contractor and subcontractor to report to the Chief Information Officer when a covered network of the contractor or subcontractor that meets the criteria established pursuant to subsection (b) is successfully penetrated.

''(b) ESTABLISHMENT OF CRITERIA FOR COVERED NETWORKS.—

''(1) IN GENERAL.—The Administrator shall, in consultation with the officials specified in paragraph (2), establish criteria for covered networks to be subject to the procedures for reporting penetrations under subsection (a).

''(2) OFFICIALS SPECIFIED.—The officials specified in this paragraph are the following officials of the Administration:

''(A) The Deputy Administrator for Defense Programs.

''(B) The Associate Administrator for Acquisition and Project Management.

''(C) The Chief Information Officer.

''(D) Any other official of the Administration the Administrator considers necessary.

''(c) PROCEDURE REQUIREMENTS.—

''(1) RAPID REPORTING.—

''(A) IN GENERAL.—The procedures established pursuant to subsection (a) shall require each contractor or subcontractor to submit to the Chief Information Officer a report on each successful penetration of a covered network of the contractor or subcontractor that meets the criteria established pursuant to subsection (b) not later than 60 days after the discovery of the successful penetration.

''(B) ELEMENTS.—Subject to subparagraph (C), each report required by subparagraph (A) with respect to a successful penetration of a covered network of a contractor or subcontractor shall include the following:

''(i) A description of the technique or method used in such penetration.

''(ii) A sample of the malicious software, if discovered and isolated by the contractor or subcontractor, involved in such penetration.

''(iii) A summary of information created by or for the Administration in connection with any program of the Administration that has been potentially compromised as a result of such penetration.

''(C) AVOIDANCE OF DELAYS IN REPORTING.—If a contractor or subcontractor is not able to obtain all of the information required by subparagraph (B) to be included in a report required by subparagraph (A) by the date that is 60 days after the discovery of a successful penetration of a covered network of the contractor or subcontractor, the contractor or subcontractor shall—

''(i) include in the report all information available as of that date; and

''(ii) provide to the Chief Information Officer the additional information required by subparagraph (B) as the information becomes available.

''(2) ACCESS TO EQUIPMENT AND INFORMATION BY ADMINISTRATION PERSONNEL.—Concurrent with the establishment of the procedures pursuant to subsection (a), the Administrator shall establish procedures to be used if information owned by the Administration was in use during or at risk as a result of the successful penetration of a covered network—

''(A) in order to—

''(i) in the case of a penetration of a covered network of a management and operating contractor, enhance the access of personnel of the Administration to Government-owned equipment and information; and

''(ii) in the case of a penetration of a covered network of a contractor or subcontractor that is not a management and operating contractor, facilitate the access of personnel of the Administration to the equipment and information of the contractor or subcontractor; and

''(B) which shall—

''(i) include mechanisms for personnel of the Administration to, upon request, obtain access to equipment or information of a contractor or subcontractor necessary to conduct forensic analysis in addition to any analysis conducted by the contractor or subcontractor;

''(ii) provide that a contractor or subcontractor is only required to provide access to equipment or information as described in clause (i) to determine whether information created by or for the Administration in connection with any program of the Administration was successfully exfiltrated from a network of the contractor or subcontractor and, if so, what information was exfiltrated; and

''(iii) provide for the reasonable protection of trade secrets, commercial or financial information, and information that can be used to identify a specific person.

''(3) DISSEMINATION OF INFORMATION.—The procedures established pursuant to subsection (a) shall allow for limiting the dissemination of information obtained or derived through such procedures so that such information may be disseminated only to entities—

''(A) with missions that may be affected by such information;

''(B) that may be called upon to assist in the diagnosis, detection, or mitigation of cyber incidents;

''(C) that conduct counterintelligence or law enforcement investigations; or

''(D) for national security purposes, including cyber situational awareness and defense purposes.

''(d) DEFINITIONS.—In this section:

''(1) CHIEF INFORMATION OFFICER.—The term 'Chief Information Officer' means the Associate Administrator for Information Management and Chief Information Officer of the Administration.

''(2) CONTRACTOR.—The term 'contractor' means a private entity that has entered into a contract or contractual action of any kind with the Administration to furnish supplies, equipment, materials, or services of any kind.

''(3) COVERED NETWORK.—The term 'covered network' includes any network or information system that accesses, receives, or stores—

''(A) classified information; or

''(B) sensitive unclassified information germane to any program of the Administration, as determined by the Administrator.

''(4) SUBCONTRACTOR.—The term 'subcontractor' means a private entity that has entered into a contract or contractual action with a contractor or another subcontractor to furnish supplies, equipment, materials, or services of any kind in connection with another contract in support of any program of the Administration.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act is amended by inserting after the item relating to section 4510 the following new item:

''Sec. 4511. Reporting on penetrations of networks of contractors and subcontractors.''.

SEC. 3132. CLARIFICATION OF RESPONSIBILITY FOR CYBERSECURITY OF NATIONAL NUCLEAR SECURITY ADMINISTRATION FACILITIES.

(a) ESTABLISHMENT OF CHIEF INFORMATION OFFICER.—Subtitle B of the National Nuclear Security Administration Act (50 U.S.C. 2421 et seq.) is amended by adding at the end the following new section:

''SEC. 3237. CHIEF INFORMATION OFFICER.

''There is within the Administration a Chief Information Officer, who shall be—

''(1) appointed by the Administrator; and

''(2) responsible for the development and implementation of cybersecurity for all facilities of the Administration.''.

(b) CONFORMING AMENDMENT.—Section 3232(b)(3) of the National Nuclear Security Administration Act (50 U.S.C. 2422(b)(3)) is amended by striking ''and cyber''.

(c) CLERICAL AMENDMENT.—The table of contents for the National Nuclear Security Administration Act is amended by inserting after the item relating to section 3236 the following new item:

''Sec. 3237. Chief Information Officer.''.

Subtitle E—Defense Environmental Cleanup

SEC. 3141. PUBLIC STATEMENT OF ENVIRONMENTAL LIABILITIES FOR FACILITIES UNDERGOING DEFENSE ENVIRONMENTAL CLEANUP.

(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 new section:

''SEC. 4410. PUBLIC STATEMENT OF ENVIRONMENTAL LIABILITIES.

''Each year, at the same time that the Department of Energy submits its annual financial report under section 3516 of title 31, United States Code, the Secretary of Energy shall make available to the public a statement of environmental liabilities, as calculated for the most recent audited financial statement of the Department under section 3515 of that title, for each defense nuclear facility at which defense environmental cleanup activities are occurring.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act is amended by inserting after the item relating to section 4409 the following new item:

''Sec. 4410. Public statement of environmental liabilities.''.

SEC. 3142. INCLUSION OF MISSED MILESTONES IN FUTURE-YEARS DEFENSE ENVIRONMENTAL CLEANUP PLAN.

Section 4402A(b)(3) of the Atomic Energy Defense Act (50 U.S.C. 2582A(b)(3)) is amended by adding at the end the following:

''(D) For any milestone that has been missed, renegotiated, or postponed, a statement of the current milestone, the original milestone, and any interim milestones.''.

SEC. 3143. CLASSIFICATION OF DEFENSE ENVIRONMENTAL CLEANUP AS CAPITAL ASSET PROJECTS OR OPERATIONS ACTIVITIES.

(a) IN GENERAL.—The Assistant Secretary of Energy for Environmental Management, in consultation with other appropriate officials of the Department of Energy, shall establish requirements for the classification of defense environmental cleanup projects as capital asset projects or operations activities.

(b) REPORT REQUIRED.—Not later than March 1, 2021, the Assistant Secretary shall submit to the congressional defense committees a report—

(1) setting forth the requirements established under subsection (a); and

(2) assessing whether any ongoing defense environmental cleanup projects should be reclassified based on those requirements.

SEC. 3144. CONTINUED ANALYSIS OF APPROACHES FOR SUPPLEMENTAL TREATMENT OF LOW-ACTIVITY WASTE AT HANFORD NUCLEAR RESERVATION.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Energy shall enter into an arrangement with a federally funded research and development center to conduct a follow-on analysis to the analysis required by section 3134 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2769) with respect to approaches for treating the portion of low-activity waste at the Hanford Nuclear Reservation, Richland, Washington, intended for supplemental treatment.

(b) COMPARISON OF ALTERNATIVES TO AID DECISIONMAKING.—The analysis required by subsection (a) shall be designed, to the greatest extent possible, to provide decision-makers with the ability to make a direct comparison between approaches for the supplemental treatment of low-activity waste at the Hanford Nuclear Reservation based on criteria that are relevant to decisionmaking and most clearly differentiate between approaches.

(c) ELEMENTS.—The analysis required by subsection (a) shall include an assessment of the following:

(1) The most effective potential technology for supplemental treatment of low-activity waste that will produce an effective waste form, including an assessment of the following:

(A) The maturity and complexity of the technology.

(B) The extent of previous use of the technology.

(C) The life cycle costs and duration of use of the technology.

(D) The effectiveness of the technology with respect to immobilization.

(E) The performance of the technology expected under permanent disposal.

(2) The differences among approaches for the supplemental treatment of low-activity waste considered as of the date of the analysis.

(3) The compliance of such approaches with the technical standards described in section 3134(b)(2)(D) of section 3134 of the National Defense Authorization Act for Fiscal Year 2017.

(4) The differences among potential disposal sites for the waste form produced through such treatment, including mitigation of radionuclides, including technetium-99, selenium-79, and iodine-129, on a system level.

(5) Potential modifications to the design of facilities to enhance performance with respect to disposal of the waste form to account for the following:

(A) Regulatory compliance.

(B) Public acceptance.

(C) Cost.

(D) Safety.

(E) The expected radiation dose to maximally exposed individuals over time.

(F) Differences among disposal environments.

(6) Approximately how much and what type of pretreatment is needed to meet regulatory requirements regarding long-lived radionuclides and hazardous chemicals to reduce disposal costs for radionuclides described in paragraph (4).

(7) Whether the radionuclides can be left in the waste form or economically removed and bounded at a system level by the performance assessment of a potential disposal site and, if the radionuclides cannot be left in the waste form, how to account for the secondary waste stream.

(8) Other relevant factors relating to the technology described in paragraph (1), including the following:

(A) The costs and risks in delays with respect to tank performance over time.

(B) Consideration of experience with treatment methods at other sites and commercial facilities.

(C) Outcomes of the test bed initiative of the Office of Environmental Management at the Hanford Nuclear Reservation.

(d) REVIEW, CONSULTATION, SUBMISSION, AND LIMITATIONS.—The provision of subsections (c) through (f) of section 3134 of the National Defense Authorization Act for Fiscal Year 2017 shall apply with respect to the analysis required by subsection (a) to the same extent and in the same manner that such provisions applied with respect to the analysis required by subsection (a) of such section 3134, except that subsection (e) of such section shall be applied and administered by substituting ''the date of the enactment of the National Defense Authorization Act for Fiscal Year 2021'' for ''the date of the enactment of this Act'' each place it appears.

Subtitle F—Other Matters

SEC. 3151. MODIFICATIONS TO ENHANCED PROCUREMENT AUTHORITY TO MANAGE SUPPLY CHAIN RISK.

Section 4806 of the Atomic Energy Defense Act (50 U.S.C. 2786) is amended—

(1) in subsections (a) and (c), by inserting ''or special exclusion action'' after ''covered procurement action'' each place it appears;

(2) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively;

(3) by inserting after subsection (d) the following new subsection (e):

''(e) DELEGATION OF AUTHORITY.—The Secretary may delegate the authority under this section to—

''(1) in the case of the Administration, the Administrator; and

''(2) in the case of any other component of the Department of Energy, the Senior Procurement Executive of the Department.''; and

(4) in subsection (f), as redesignated by paragraph (2)—

(A) by redesignating paragraph (6) as paragraph (7); and

(B) by inserting after paragraph (5) the following new paragraph (6):

''(6) SPECIAL EXCLUSION ACTION.—The term 'special exclusion action' means an action to prohibit, for a period not to exceed two years, the award of any contracts or subcontracts by the Administration or any other component of the Department of Energy related to any covered system to a source the Secretary determines to represent a supply chain risk.''.

SEC. 3152. LABORATORY- OR PRODUCTION FACILITY-DIRECTED RESEARCH AND DEVELOPMENT PROGRAMS.

(a) IN GENERAL.—Section 4811 of the Atomic Energy Defense Act (50 U.S.C. 2791) is amended to read as follows:

''SEC. 4811. LABORATORY- OR PRODUCTION FACILITY-DIRECTED RESEARCH AND DEVELOPMENT PROGRAMS.

''(a) AUTHORITY.—The directors of the national security laboratories and the nuclear weapons production facilities are authorized to carry out laboratory- or production facility-directed research and development.

''(b) REGULATIONS.—The Administrator shall prescribe regulations for the conduct of laboratory- or production facility-directed research and development at the national security laboratories and the nuclear weapons production facilities.

''(c) FUNDING.—Of the funds provided by the Administration to a national security laboratory or nuclear weapons production facility for national security activities, the Administrator shall provide a specific amount, of not less than 5 percent and not more than 7 percent of such funds, to be used by the laboratory or facility for laboratory- or production facility-directed research and development.

''(d) DEFINITION.—In this section, the term 'laboratory- or production facility-directed research and development' means research and development work of a creative and innovative nature which, under the regulations prescribed pursuant to subsection (b), is selected by the director of a national security laboratory or nuclear weapons production facility for the purpose of maintaining the vitality of the laboratory or facility in defense-related scientific disciplines.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act is amended by striking the item relating to section 4811 and inserting the following new item:

''Sec. 4811. Laboratory- or production facility-directed research and development programs.''.

SEC. 3153. PROHIBITION ON USE OF LABORATORY- OR PRODUCTION FACILITY-DIRECTED RESEARCH AND DEVELOPMENT FUNDS FOR GENERAL AND ADMINISTRATIVE OVERHEAD COSTS.

Section 4811 of the Atomic Energy Defense Act (50 U.S.C. 2791), as amended by section 3152, is further amended—

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

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

''(d) PROHIBITION ON USE OF FUNDS FOR OVERHEAD.—Funds provided to a national security laboratory or nuclear weapons production facility for laboratory- or production facility-directed research and development may not be used to cover the costs of general and administrative overhead for the laboratory or facility.''.

SEC. 3154. MONITORING OF INDUSTRIAL BASE FOR NUCLEAR WEAPONS COMPONENTS, SUBSYSTEMS, AND MATERIALS.

(a) DESIGNATION OF OFFICIAL.—Not later than March 1, 2021, the Administrator for Nuclear Security shall designate a senior official within the National Nuclear Security Administration to be responsible for monitoring the industrial base that supports the nuclear weapons components, subsystems, and materials of the Administration, including—

(1) the consistent monitoring of the current status of the industrial base;

(2) tracking of industrial base issues over time; and

(3) proactively identifying gaps or risks in specific areas relating to the industrial base.

(b) PROVISION OF RESOURCES.—The Administrator shall ensure that the official designated under subsection (a) is provided with resources sufficient to conduct the monitoring required by that subsection.

(c) CONSULTATIONS.—The Administrator, acting through the official designated under subsection (a), shall, to the extent practicable and beneficial, in conducting the monitoring required by that subsection, consult with—

(1) officials of the Department of Defense who are members of the Nuclear Weapons Council established under section 179 of title 10, United States Code;

(2) officials of the Department of Defense responsible for the defense industrial base; and

(3) other components of the Department of Energy that rely on similar components, subsystems, or materials.

(d) BRIEFINGS.—

(1) INITIAL BRIEFING.—Not later than April 1, 2021, the Administrator shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the designation of the official required by subsection (a), including on—

(A) the responsibilities assigned to that official; and

(B) the plan for providing that official with resources sufficient to conduct the monitoring required by subsection (a).

(2) SUBSEQUENT BRIEFINGS.—Not later than April 1, 2022, and annually thereafter through 2024, the Administrator shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on activities carried out under this section that includes an assessment of the progress made by the official designated under subsection (a) in conducting the monitoring required by that subsection.

SEC. 3155. PROHIBITION ON USE OF FUNDS FOR ADVANCED NAVAL NUCLEAR FUEL SYSTEM BASED ON LOW-ENRICHED URANIUM.

(a) IN GENERAL.—None of the funds authorized to be appropriated for the National Nuclear Security Administration for fiscal year 2021 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.

(b) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Administrator for Nuclear Security shall submit to the congressional defense committees a report on activities conducted using amounts made available for fiscal year 2020 for nonproliferation fuels development, including a description of progress made toward technological or nonproliferation goals.

SEC. 3156. AUTHORIZATION OF APPROPRIATIONS FOR W93 NUCLEAR WARHEAD PROGRAM.

In accordance with section 4209(a)(1)(B) of the Atomic Energy Defense Act (50 U.S.C.

2529(a)(1)(B)), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2021 for the W93 nuclear warhead program as specified in the funding table in section 4701.

SEC. 3157. REVIEW OF FUTURE OF COMPUTING BEYOND EXASCALE AT THE NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) IN GENERAL.—The Administrator for Nuclear Security, in consultation with the Secretary of Energy, shall enter into an agreement with the National Academy of Science to review the future of computing beyond exascale computing to meet national security needs at the National Nuclear Security Administration.

(b) ELEMENTS.—The review required by subsection (a) shall address the following:

(1) Future computing needs of the National Nuclear Security Administration that exascale computing will not accomplish during the 20 years after the date of the enactment of this Act.

(2) Computing architectures that potentially can meet those needs, including—

(A) classical computing architectures employed as of such date of enactment;

(B) quantum computing architectures and other novel computing architectures;

(C) hybrid combinations of classical and quantum computing architectures; and

(D) other architectures as necessary.

(3) The development of software for the computing architectures described in paragraph (2).

(4) The maturity of the computing architectures described in paragraph (2) and the software described in paragraph (3), with key obstacles that must be overcome for the employment of such architectures and software.

(5) The secure industrial base that exists as of the date of the enactment of this Act to meet the unique needs of computing at the National Nuclear Security Administration, including needs with respect to—

(A) personnel;

(B) microelectronics; and

(C) other appropriate matters.

(c) INFORMATION AND CLEARANCES.—The Administrator shall ensure that personnel of the National Academy of Sciences overseeing the implementation of the agreement required by subsection (a) or conducting the review required by that subsection receive, in a timely manner, access to information and necessary security clearances to enable the conduct of the review.

(d) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the National Academy of Sciences shall submit to the congressional defense committees a report on the findings of the review required by subsection (a).

(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form but may include a classified annex.

(e) EXASCALE COMPUTING DEFINED.—In this section, the term ''exascale computing'' means computing through the use of a computing machine that performs near or above 10 to the 18th power floating point operations per second.

SEC. 3158. APPLICATION OF REQUIREMENT FOR INDEPENDENT COST ESTIMATES AND REVIEWS TO NEW NUCLEAR WEAPON SYSTEMS.

Section 4217(b)(1) of the Atomic Energy Defense Act (50 U.S.C. 2537(b)(1)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by inserting '', and each new nuclear weapon system at the completion of phase 2A'' after ''phase 6.2A'';

(B) in clause (ii), by inserting '', and each new nuclear weapon system at the completion of phase 3'' after ''phase 6.3''; and

(C) in clause (iii)—

(i) by inserting '', and each new nuclear weapon system at the completion of phase 4'' after ''phase 6.4''; and

(ii) by inserting ''or 5, as applicable'' after ''phase 6.5''; and

(2) in subparagraph (B), by inserting '', and each new nuclear weapon system at the completion of phase 2'' after ''phase 6.2''.

SEC. 3159. EXTENSION AND EXPANSION OF LIMITATIONS ON IMPORTATION OF URANIUM FROM RUSSIAN FEDERATION.

(a) IN GENERAL.—Section 3112A of the USEC Privatization Act (42 U.S.C. 2297h–10a) is amended—

(1) in subsection (a)—

(A) by redesignating paragraph (7) as paragraph (8); and

(B) by inserting after paragraph (6) the following:

''(7) SUSPENSION AGREEMENT.—The term 'Suspension Agreement' has the meaning given that term in section 3102(13).'';

(2) in subsection (b)—

(A) by striking ''United States to support'' and inserting the following: ''United States—

''(1) to support'';

(B) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(2) that reliance on uranium imports raises significant national security concerns;

''(3) to revive and strengthen the supply chain for nuclear fuel produced and used in the United States; and

''(4) to expand production of nuclear fuel in the United States.''; and

(3) in subsection (c)—

(A) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking ''After'' and inserting ''Except as provided in subparagraph (B), after'';

(ii) in subparagraph (A)—

(I) in clause (vi), by striking ''; and'' and inserting a semicolon;

(II) in clause (vii), by striking the period at the end and inserting a semicolon; and

(III) by adding at the end the following:

''(viii) in calendar year 2021, 422,038 kilograms;

''(ix) in calendar year 2022, 415,573 kilograms;

''(x) in calendar year 2023, 409,445 kilograms;

''(xi) in calendar year 2024, 404,469 kilograms;

''(xii) in calendar year 2025, 399,241 kilograms;

''(xiii) in calendar year 2026, 393,985 kilograms;

''(xiv) in calendar year 2027, 389,656 kilograms;

''(xv) in calendar year 2028, 389,656 kilograms;

''(xvi) in calendar year 2029, 384,905 kilograms;

''(xvii) in calendar year 2030, 375,882 kilograms;

''(xviii) in calendar year 2031, 372,171 kilograms;

''(xix) in calendar year 2032, 364,694 kilograms;

''(xx) in calendar year 2033, 359,353 kilograms;

''(xxi) in calendar year 2034, 337,344 kilograms; and

''(xxii) in calendar year 2035, 333,296 kilograms.'';

(iii) by redesignating subparagraph (B) as subparagraph (D); and

(iv) by inserting after subparagraph (A) the following:

''(B) HARMONIZATION WITH SUSPENSION AGREEMENT.—

''(i) IN GENERAL.—If, not later than December 31, 2020, the Department of Commerce and the Russian Federation finalize an amendment to the Suspension Agreement to extend the Agreement, the import limitations under subparagraph (A) for a calendar year shall be superceded by any export limitations, including the associated calculation parameters, agreed to by the Department of Commerce as part of that amendment.

''(ii) TERMINATION OF SUSPENSION AGREEMENT.—If the Suspension Agreement terminates or expires, the import limitations specified in subparagraph (A) shall—

''(I) take effect on the date on which the Suspension Agreement terminates or expires; and

''(II) apply in addition to any antidumping duties imposed pursuant to title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.) with respect to low-enriched uranium produced in the Russian Federation.

''(C) SEPARATIVE WORK UNITS REQUIREMENT.—Not more than 25 percent of the quantity of low-enriched uranium produced in the Russian Federation and imported under subparagraph (A) in any year may be imported under contracts other than contracts exclusively for separative work units.'';

(B) in paragraph (3), by striking ''United States—'' and all that follows and inserting the following: ''United States for processing and to be certified for reexportation and not for consumption in the United States.'';

(C) in paragraph (5)—

(i) in subparagraph (A)—

(I) by striking ''reference data'' and all that follows through ''2019'' and inserting the following: ''lower scenario data in the document of the World Nuclear Association entitled 'Nuclear Fuel Report: Global Scenarios for Demand and Supply Availability 2019–2040'. In each of calendar years 2023, 2027, and 2031''; and

(II) by striking ''report or a subsequent report'' and inserting ''document'';

(ii) by redesignating subparagraphs (B) and (C) as subpagraphs (C) and (D), respectively;

(iii) by inserting after subparagraph (A) the following:

''(B) REPORT REQUIRED.—Not later than one year after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2021, and every 3 years thereafter, the Secretary shall submit to Congress a report that includes—

''(i) a recommendation on the use of all publicly available data to ensure accurate forecasting by scenario data to comport to actual demand for low-enriched uranium for nuclear reactors in the United States; and

''(ii) an identification of the steps to be taken to adjust the import limitations described in paragraph (2)(A) based on the most accurate scenario data.''; and

(iv) in subparagraph (D), as redesignated by clause (ii), by striking ''subparagraph (B)'' and inserting ''subparagraph (D)'';

(D) in paragraph (6), in the matter preceding subparagraph (A), by striking ''the adjustment under paragraph (5)(A)'' and inserting ''any adjustment under paragraph (2)(B) or (5)(A)'';

(E) in paragraph (7)(A), by striking ''0.3 percent'' and inserting ''0.22 percent'';

(F) in paragraph (9), by striking ''2020'' and inserting ''2035'';

(G) by striking ''(2)(B)'' each place it appears and inserting ''(2)(D)''; and

(H) in paragraph (12)(B), by inserting ''or the Suspension Agreement'' after ''the Russian HEU Agreement''.

(b) APPLICABILITY.—The amendments made by subsection (a) apply with respect to uranium imported from the Russian Federation on or after January 1, 2021.

SEC. 3160. INTEGRATION OF STOCKPILE STEWARDSHIP AND NONPROLIFERATION MISSIONS.

(a) SENSE OF SENATE.—It is the sense of the Senate that, in recognition of the close relationships between the nuclear weapons expertise and infrastructure of the national security laboratories (as defined in section 4002 of the Atomic Energy Defense Act (50 U.S.C. 2501)), those laboratories should continue to apply their capabilities to assessing, understanding, and countering current and emerging nuclear threats, including the nuclear capabilities of adversaries of the United States.

(b) INTEGRATION.—The Secretary of Energy shall ensure that the capabilities of the stockpile stewardship program under section 4201 of the Atomic Energy Defense Act (50 U.S.C. 2521) are available to assess proliferation challenges, nuclear capabilities of adversaries of the United States, and related safeguards.

SEC. 3161. TECHNOLOGY DEVELOPMENT AND INTEGRATION PROGRAM.

The Administrator for Nuclear Security shall establish a technology development and integration program to improve the safety and security of the nuclear weapons stockpile, and to prevent proliferation, through research and development, engineering, and integration of technologies applicable to multiple weapons systems in the stockpile.

SEC. 3162. ADVANCED MANUFACTURING DEVELOPMENT PROGRAM.

The Administrator for Nuclear Security shall establish an advanced manufacturing development program to focus on the development, demonstration, and deployment of next-generation processes and manufacturing tools to ensure that the nuclear weapons stockpile is safe and secure.

SEC. 3163. MATERIALS SCIENCE PROGRAM.

The Administrator for Nuclear Security shall establish a materials science program to develop new materials to replace materials that are no longer available for weapons sustainment.

SEC. 3164. MODIFICATIONS TO INERTIAL CONFINEMENT FUSION IGNITION AND HIGH YIELD PROGRAM.

(a) IN GENERAL.—The Inertial Confinement Fusion Ignition and High Yield Program of the National Nuclear Security Administration (in this section referred to as the ''Program'') shall provide the scientific understanding and experimental capabilities required to validate the safety and effectiveness of the nuclear weapons stockpile.

(b) RECOMMENDATIONS RELATING TO HIGH ENERGY DENSITY PHYSICS.—

(1) ESTABLISHMENT OF WORKING GROUP.—The Administrator for Nuclear Security shall establish a working group to identify and implement any recommendations issued by the National Academies of Sciences, Engineering, and Medicine as required by section 3137 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92).

(2) REPORT REQUIRED.—Not later than March 31, 2021, the Administrator shall submit to the congressional defense committees a report on the timelines for completing implementation of the recommendations described in paragraph (1).

SEC. 3165. EARNED VALUE MANAGEMENT PROGRAM FOR LIFE EXTENSION PROGRAMS.

(a) IN GENERAL.—Subtitle A of title XLII of the Atomic Energy Defense Act (50 U.S.C. 2521 et seq.) is amended by adding at the end the following new section:

''SEC. 4223. EARNED VALUE MANAGEMENT PROGRAM FOR LIFE EXTENSION PROGRAMS.

''(a) IN GENERAL.—The Administrator shall establish an earned value management program to establish earned value management standards—

''(1) to ensure specific benchmarks are set for technology readiness for life extension programs; and

''(2) to ensure that appropriate risk mitigation measures are taken to meet the cost and schedule requirements of such programs.

''(b) REVIEW OF CONTRACTOR EARNED VALUE MANAGEMENT SYSTEMS.—The Administrator shall enter into an arrangement with an independent entity under which that entity shall review and determine whether the earned value management standards of contractors of the Administration for life extension programs are consistent with the standards established under subsection (a).

''(c) RECONCILIATION OF COST ESTIMATES.—The Administrator shall ensure that key decisions of the Administration concerning project milestones in life extension programs are based on a reconciliation of cost estimates of the Administration with any independent cost estimates conducted by the Director of Cost Estimating and Program Evaluation.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act is amended by inserting after the item relating to section 4222 the following new item:

''Sec. 4223. Earned value management program for life extension programs.''.

SEC. 3166. USE OF HIGH PERFORMANCE COMPUTING CAPABILITIES FOR COVID–19 RESEARCH.

The Secretary of Energy shall make the unclassified high performance computing capabilities of the Department of Energy available for research relating to the coronavirus disease 2019 (commonly known as ''COVID–19'') so long as and to the extent that doing so does not negatively affect the stockpile stewardship mission of the National Nuclear Security Administration.

SEC. 3167. AVAILABILITY OF STOCKPILE RESPONSIVENESS FUNDS FOR PROJECTS TO REDUCE TIME NECESSARY TO EXECUTE A NUCLEAR TEST.

From amounts authorized to be appropriated by section 3101 and available, as specified in the funding table in section 4701, for the Stockpile Responsiveness Program under section 4220 of the Atomic Energy Defense Act (50 U.S.C. 2538b), not less than $10,000,000 shall be made available to carry out projects related to reducing the time required to execute a nuclear test if necessary.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2021, $28,836,000 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. NONPUBLIC COLLABORATIVE DISCUSSIONS BY DEFENSE NUCLEAR FACILITIES SAFETY BOARD.

Section 313 of the Atomic Energy Act of 1954 (42 U.S.C. 2286b) is amended by adding at the end the following new subsection:

''(k) NONPUBLIC COLLABORATIVE DISCUSSIONS.—

''(1) IN GENERAL.—Notwithstanding section 552b of title 5, United States Code, a quorum of the members of the Board may hold a meeting that is not open to public observation to discuss official business of the Board if—

''(A) no formal or informal vote or other official action is taken at the meeting;

''(B) each individual present at the meeting is a member or an employee of the Board;

''(C) at least one member of the Board from each political party is present at the meeting, unless all members of the Board are of the same political party at the time of the meeting; and

''(D) the general counsel of the Board, or a designee of the general counsel, is present at the meeting.

''(2) DISCLOSURE OF NONPUBLIC COLLABORATIVE DISCUSSIONS.—

''(A) IN GENERAL.—Except as provided by subparagraph (B), not later than two business days after the conclusion of a meeting described in paragraph (1), the Board shall make available to the public, in a place easily accessible to the public—

''(i) a list of the individuals present at the meeting; and

''(ii) a summary of the matters, including key issues, discussed at the meeting, except for any matter the Board properly determines may be withheld from the public under section 552b(c) of title 5, United States Code.

''(B) INFORMATION ABOUT MATTERS WITHHELD FROM PUBLIC.—If the Board properly determines under subparagraph (A)(ii) that a matter may be withheld from the public under section 552b(c) of title 5, United States Code, the Board shall include in the summary required by that subparagraph as much general information as possible with respect to the matter.

''(3) RULES OF CONSTRUCTION.—Nothing in this subsection may be construed—

''(A) to limit the applicability of section 552b of title 5, United States Code, with respect to—

''(i) a meeting of the members of the Board other than a meeting described in paragraph (1); or

''(ii) any information that is proposed to be withheld from the public under paragraph (2)(A)(ii); or

''(B) to authorize the Board to withhold from any individual any record that is accessible to that individual under section 552a of title 5, United States Code.''.

SEC. 3203. IMPROVEMENTS TO OPERATIONS OF DEFENSE NUCLEAR FACILITIES SAFETY BOARD.

(a) MISSION OF BOARD.—Section 312(a) of the Atomic Energy Act of 1954 (42 U.S.C. 2286a(a)) is amended by striking ''employees and contractors at such facilities'' and inserting ''workers at such facilities conducting activities covered by part 830 of title 10, Code of Federal Regulations (or any successor regulation)''.

(b) COOPERATION.—Section 314(a) of the Atomic Energy Act of 1954 (42 U.S.C. 2286c(a)) is amended—

(1) by inserting ''(1)'' before ''Except''; and

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

''(2) For purposes of this subsection, the term 'unfettered access', with respect to a facility or personnel of or information related to a facility, means access equivalent to the access to the facility, personnel, or information provided to a regular employee of the facility, after proper identification and compliance with applicable access control measures for security, radiological protection, and personal safety.''.

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 corporation 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 transportation systems, the use of waterborne transportation systems, and general administration.''.

DIVISION D—FUNDING TABLES

SEC. 4001. AUTHORIZATION OF AMOUNTS IN FUNDING TABLES.

(a) IN GENERAL.—Whenever a funding table in this division specifies a dollar amount authorized for a project, program, or activity, the obligation and expenditure of the specified dollar amount for the project, program, or activity is hereby authorized, subject to the availability of appropriations.

(b) MERIT-BASED DECISIONS.—A decision to commit, obligate, or expend funds with or to a specific entity on the basis of a dollar amount authorized pursuant to subsection (a) shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

(c) RELATIONSHIP TO TRANSFER AND PROGRAMMING AUTHORITY.—An amount specified in the funding tables in this division may be transferred or reprogrammed under a transfer or reprogramming authority provided by another provision of this Act or by other law. The transfer or reprogramming of an amount specified in such funding tables shall not count against a ceiling on such transfers or reprogrammings under section 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.

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Senate Authorized
	AIRCRAFT PROCUREMENT, ARMY		
	FIXED WING		
2	MQ–1 UAV	0	165,000
	Reverse planned temporary procurement pause		[165,000]
3	FUTURE UAS FAMILY	1,100	1,100
4	RQ–11 (RAVEN)	20,851	20,851
	ROTARY		
7	AH–64 APACHE BLOCK IIIA REMAN	792,027	792,027
8	AH–64 APACHE BLOCK IIIA REMAN AP	169,460	169,460
11	UH–60 BLACKHAWK M MODEL (MYP)	742,998	742,998
12	UH–60 BLACKHAWK M MODEL (MYP) AP	87,427	87,427
13	UH–60 BLACK HAWK L AND V MODELS	172,797	172,797
14	CH–47 HELICOPTER	160,750	160,750
15	CH–47 HELICOPTER AP	18,372	18,372
	MODIFICATION OF AIRCRAFT		
18	UNIVERSAL GROUND CONTROL EQUIPMENT (UAS)	7,509	7,509
19	GRAY EAGLE MODS2	16,280	16,280
20	MULTI SENSOR ABN RECON (MIP)	35,864	35,864
21	AH–64 MODS	118,316	118,316
22	CH–47 CARGO HELICOPTER MODS (MYP)	15,548	35,548
	IVCS		[20,000]
23	GRCS SEMA MODS (MIP)	2,947	2,947
24	ARL SEMA MODS (MIP)	9,598	9,598

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Senate Authorized
25	EMARSS SEMA MODS (MIP)	2,452	2,452
26	UTILITY/CARGO AIRPLANE MODS	13,868	13,868
27	UTILITY HELICOPTER MODS	25,842	25,842
28	NETWORK AND MISSION PLAN	77,432	77,432
29	COMMS, NAV SURVEILLANCE	101,355	101,355
31	AVIATION ASSURED PNT	54,609	54,609
32	GATM ROLLUP	12,180	12,180
34	UAS MODS	4,204	4,204
	GROUND SUPPORT AVIONICS		
35	AIRCRAFT SURVIVABILITY EQUIPMENT	49,455	49,455
36	SURVIVABILITY CM	8,035	8,035
37	CMWS	10,567	10,567
38	COMMON INFRARED COUNTERMEASURES (CIRCM)	237,467	237,467
	OTHER SUPPORT		
39	AVIONICS SUPPORT EQUIPMENT	1,789	1,789
40	COMMON GROUND EQUIPMENT	17,584	17,584
41	AIRCREW INTEGRATED SYSTEMS	48,265	48,265
42	AIR TRAFFIC CONTROL	26,408	26,408
44	LAUNCHER, 2.75 ROCKET	2,256	2,256
45	LAUNCHER GUIDED MISSILE: LONGBOW HELLFIRE XM2	8,982	8,982
	TOTAL AIRCRAFT PROCUREMENT, ARMY	**3,074,594**	**3,259,594**
	MISSILE PROCUREMENT, ARMY		
	SURFACE-TO-AIR MISSILE SYSTEM		
2	M-SHORAD—PROCUREMENT	378,654	378,654
3	MSE MISSILE	603,188	779,773
	Transfer missiles from EDI OCO		[176,585]
4	PRECISION STRIKE MISSILE (PRSM)	49,941	49,941
5	INDIRECT FIRE PROTECTION CAPABILITY INC 2–I	106,261	65,761
	Army-identified funding early to need		[–40,500]
	AIR-TO-SURFACE MISSILE SYSTEM		
6	HELLFIRE SYS SUMMARY	91,225	91,225
7	JOINT AIR-TO-GROUND MSLS (JAGM)	213,397	213,397
8	LONG RANGE PRECISION MUNITION	45,307	45,307
	ANTI-TANK/ASSAULT MISSILE SYS		
9	JAVELIN (AAWS-M) SYSTEM SUMMARY	190,325	190,325
10	TOW 2 SYSTEM SUMMARY	121,074	121,074
11	GUIDED MLRS ROCKET (GMLRS)	850,157	850,157
12	MLRS REDUCED RANGE PRACTICE ROCKETS (RRPR)	30,836	30,836
13	HIGH MOBILITY ARTILLERY ROCKET SYSTEM (HIMARS	41,226	41,226
	MODIFICATIONS		
16	PATRIOT MODS	278,050	278,050
17	ATACMS MODS	141,690	141,690
20	AVENGER MODS	13,942	13,942
21	ITAS/TOW MODS	5,666	5,666
22	MLRS MODS	310,419	310,419
23	HIMARS MODIFICATIONS	6,081	6,081
	SPARES AND REPAIR PARTS		
24	SPARES AND REPAIR PARTS	5,090	5,090
	SUPPORT EQUIPMENT & FACILITIES		
25	AIR DEFENSE TARGETS	8,978	8,978
	TOTAL MISSILE PROCUREMENT, ARMY	**3,491,507**	**3,627,592**
	PROCUREMENT OF W&TCV, ARMY		
	TRACKED COMBAT VEHICLES		
2	ARMORED MULTI PURPOSE VEHICLE (AMPV)	192,971	172,971
	Program decrease		[–20,000]
	MODIFICATION OF TRACKED COMBAT VEHICLES		
4	STRYKER UPGRADE	847,212	847,212
5	BRADLEY PROGRAM (MOD)	493,109	473,109
	UBIS slip		[–20,000]
6	M109 FOV MODIFICATIONS	26,893	26,893
7	PALADIN INTEGRATED MANAGEMENT (PIM)	435,825	435,825
9	ASSAULT BRIDGE (MOD)	5,074	5,074
10	ASSAULT BREACHER VEHICLE	19,500	19,500
11	M88 FOV MODS	18,382	13,382
	Unjustified growth		[–5,000]
12	JOINT ASSAULT BRIDGE	72,178	61,678
	IOTE and testing delay		[–10,500]
13	M1 ABRAMS TANK (MOD)	392,013	392,013
14	ABRAMS UPGRADE PROGRAM	1,033,253	1,033,253
	WEAPONS & OTHER COMBAT VEHICLES		
16	MULTI-ROLE ANTI-ARMOR ANTI-PERSONNEL WEAPON S	17,864	17,864
18	MORTAR SYSTEMS	10,288	10,288
19	XM320 GRENADE LAUNCHER MODULE (GLM)	5,969	5,969
20	PRECISION SNIPER RIFLE	10,137	10,137
21	COMPACT SEMI-AUTOMATIC SNIPER SYSTEM	999	999
22	CARBINE	7,411	7,411
23	NEXT GENERATION SQUAD WEAPON	35,822	35,822
24	COMMON REMOTELY OPERATED WEAPONS STATION	24,534	24,534
25	HANDGUN	4,662	4,662
	MOD OF WEAPONS AND OTHER COMBAT VEH		

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Senate Authorized
26	MK–19 GRENADE MACHINE GUN MODS	6,444	6,444
27	M777 MODS	10,983	10,983
28	M4 CARBINE MODS	4,824	4,824
31	M240 MEDIUM MACHINE GUN MODS	6,385	6,385
32	SNIPER RIFLES MODIFICATIONS	1,898	1,898
33	M119 MODIFICATIONS	2,009	2,009
34	MORTAR MODIFICATION	1,689	1,689
35	MODIFICATIONS LESS THAN $5.0M (WOCV-WTCV)	2,604	2,604
	SUPPORT EQUIPMENT & FACILITIES		
36	ITEMS LESS THAN $5.0M (WOCV-WTCV)	2,763	2,763
37	PRODUCTION BASE SUPPORT (WOCV-WTCV)	3,045	3,045
	TOTAL PROCUREMENT OF W&TCV, ARMY	**3,696,740**	**3,641,240**
	PROCUREMENT OF AMMUNITION, ARMY		
	SMALL/MEDIUM CAL AMMUNITION		
1	CTG, 5.56MM, ALL TYPES	68,472	68,472
2	CTG, 7.62MM, ALL TYPES	109,933	109,933
3	NEXT GENERATION SQUAD WEAPON AMMUNITION	11,988	11,988
4	CTG, HANDGUN, ALL TYPES	853	853
5	CTG, .50 CAL, ALL TYPES	58,280	58,280
6	CTG, 20MM, ALL TYPES	31,708	31,708
7	CTG, 25MM, ALL TYPES	9,111	9,111
8	CTG, 30MM, ALL TYPES	58,172	58,172
9	CTG, 40MM, ALL TYPES	114,638	114,638
	MORTAR AMMUNITION		
10	60MM MORTAR, ALL TYPES	31,222	31,222
11	81MM MORTAR, ALL TYPES	42,857	42,857
12	120MM MORTAR, ALL TYPES	107,762	107,762
	TANK AMMUNITION		
13	CARTRIDGES, TANK, 105MM AND 120MM, ALL TYPES	233,444	233,444
	ARTILLERY AMMUNITION		
14	ARTILLERY CARTRIDGES, 75MM & 105MM, ALL TYPES	35,963	35,963
15	ARTILLERY PROJECTILE, 155MM, ALL TYPES	293,692	293,692
16	PROJ 155MM EXTENDED RANGE M982	69,159	69,159
17	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL	232,913	232,913
	MINES		
18	MINES & CLEARING CHARGES, ALL TYPES	65,278	65,278
19	CLOSE TERRAIN SHAPING OBSTACLE	4,995	4,995
	ROCKETS		
20	SHOULDER LAUNCHED MUNITIONS, ALL TYPES	69,112	69,112
21	ROCKET, HYDRA 70, ALL TYPES	125,915	125,915
	OTHER AMMUNITION		
22	CAD/PAD, ALL TYPES	8,891	8,891
23	DEMOLITION MUNITIONS, ALL TYPES	54,043	54,043
24	GRENADES, ALL TYPES	28,931	28,931
25	SIGNALS, ALL TYPES	27,036	27,036
26	SIMULATORS, ALL TYPES	10,253	10,253
	MISCELLANEOUS		
27	AMMO COMPONENTS, ALL TYPES	3,476	3,476
29	ITEMS LESS THAN $5 MILLION (AMMO)	10,569	10,569
30	AMMUNITION PECULIAR EQUIPMENT	12,338	12,338
31	FIRST DESTINATION TRANSPORTATION (AMMO)	15,908	15,908
32	CLOSEOUT LIABILITIES	99	99
	PRODUCTION BASE SUPPORT		
33	INDUSTRIAL FACILITIES	592,224	592,224
34	CONVENTIONAL MUNITIONS DEMILITARIZATION	235,112	235,112
35	ARMS INITIATIVE	3,369	3,369
	TOTAL PROCUREMENT OF AMMUNITION, ARMY	**2,777,716**	**2,777,716**
	OTHER PROCUREMENT, ARMY		
	TACTICAL VEHICLES		
1	TACTICAL TRAILERS/DOLLY SETS	12,986	12,986
2	SEMITRAILERS, FLATBED:	31,443	31,443
3	SEMITRAILERS, TANKERS	17,082	17,082
4	HI MOB MULTI-PURP WHLD VEH (HMMWV)	44,795	44,795
5	GROUND MOBILITY VEHICLES (GMV)	37,932	37,932
8	JOINT LIGHT TACTICAL VEHICLE FAMILY OF VEHICL	894,414	894,414
9	TRUCK, DUMP, 20T (CCE)	29,368	29,368
10	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	95,092	95,092
11	FAMILY OF COLD WEATHER ALL-TERRAIN VEHICLE (C	999	999
12	FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIP	27,687	27,687
14	PLS ESP	21,969	21,969
15	HVY EXPANDED MOBILE TACTICAL TRUCK EXT SERV	65,635	65,635
16	HMMWV RECAPITALIZATION PROGRAM	5,927	5,927
17	TACTICAL WHEELED VEHICLE PROTECTION KITS	36,497	36,497
18	MODIFICATION OF IN SVC EQUIP	114,977	114,977
	NON-TACTICAL VEHICLES		
20	PASSENGER CARRYING VEHICLES	1,246	1,246
21	NONTACTICAL VEHICLES, OTHER	19,870	19,870
	COMM—JOINT COMMUNICATIONS		
22	SIGNAL MODERNIZATION PROGRAM	160,469	160,469
23	TACTICAL NETWORK TECHNOLOGY MOD IN SVC	360,379	365,379

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(In Thousands of Dollars)

Line	Item	FY 2021 Request	Senate Authorized
	MDTF scalable node equipment		[5,000]
24	SITUATION INFORMATION TRANSPORT	63,396	63,396
26	JCSE EQUIPMENT (USRDECOM)	5,170	5,170
	COMM—SATELLITE COMMUNICATIONS		
29	DEFENSE ENTERPRISE WIDEBAND SATCOM SYSTEMS	101,498	101,498
30	TRANSPORTABLE TACTICAL COMMAND COMMUNICATIONS	72,450	74,850
	AFRICOM force protection upgrades		[1,000]
	MDTF support requirements		[1,400]
31	SHF TERM	13,173	13,173
32	ASSURED POSITIONING, NAVIGATION AND TIMING	134,928	134,928
33	SMART-T (SPACE)	8,611	8,611
34	GLOBAL BRDCST SVC—GBS	8,191	8,191
	COMM—C3 SYSTEM		
36	COE TACTICAL SERVER INFRASTRUCTURE (TSI)	94,871	94,871
	COMM—COMBAT COMMUNICATIONS		
37	HANDHELD MANPACK SMALL FORM FIT (HMS)	550,848	552,348
	AFRICOM force protection upgrades		[1,500]
38	RADIO TERMINAL SET, MIDS LVT(2)	8,237	8,237
41	SPIDER FAMILY OF NETWORKED MUNITIONS INCR	13,967	0
	Program cancelation		[–13,967]
43	UNIFIED COMMAND SUITE	19,579	19,579
44	COTS COMMUNICATIONS EQUIPMENT	94,156	94,156
45	FAMILY OF MED COMM FOR COMBAT CASUALTY CARE	18,313	18,313
46	ARMY COMMUNICATIONS & ELECTRONICS	51,480	51,480
	COMM—INTELLIGENCE COMM		
48	CI AUTOMATION ARCHITECTURE (MIP)	13,146	13,146
49	DEFENSE MILITARY DECEPTION INITIATIVE	5,624	5,624
	INFORMATION SECURITY		
51	INFORMATION SYSTEM SECURITY PROGRAM-ISSP	4,596	4,596
52	COMMUNICATIONS SECURITY (COMSEC)	159,272	159,272
53	DEFENSIVE CYBER OPERATIONS	54,753	55,653
	MDTF cyber defense and EW tools		[900]
54	INSIDER THREAT PROGRAM—UNIT ACTIVITY MONITO	1,760	1,760
56	ITEMS LESS THAN $5M (INFO SECURITY)	260	260
	COMM—LONG HAUL COMMUNICATIONS		
57	BASE SUPPORT COMMUNICATIONS	29,761	30,761
	AFRICOM UFR force protection upgrades		[1,000]
	COMM—BASE COMMUNICATIONS		
58	INFORMATION SYSTEMS	147,696	147,696
59	EMERGENCY MANAGEMENT MODERNIZATION PROGRAM	4,900	4,900
60	HOME STATION MISSION COMMAND CENTERS (HSMCC)	15,227	15,227
61	JOINT INFORMATION ENVIRONMENT (JIE)	3,177	3,177
62	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM	300,035	300,035
	ELECT EQUIP—TACT INT REL ACT (TIARA)		
65	JTT/CIBS-M (MIP)	5,304	5,304
66	TERRESTRIAL LAYER SYSTEMS (TLS) (MIP)	8,081	8,081
68	DCGS-A (MIP)	151,886	151,886
70	TROJAN (MIP)	17,593	17,593
71	MOD OF IN-SVC EQUIP (INTEL SPT) (MIP)	28,558	28,558
73	BIOMETRIC TACTICAL COLLECTION DEVICES (MIP)	999	999
	ELECT EQUIP—ELECTRONIC WARFARE (EW)		
75	LIGHTWEIGHT COUNTER MORTAR RADAR	5,332	5,332
76	EW PLANNING & MANAGEMENT TOOLS (EWPMT)	7,849	7,849
77	AIR VIGILANCE (AV) (MIP)	8,160	8,160
79	MULTI-FUNCTION ELECTRONIC WARFARE (MFEW) SYST	8,669	8,669
81	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES	0	13,400
	MDTF advanced intel systems remote collection		[13,400]
82	CI MODERNIZATION (MIP)	300	300
	ELECT EQUIP—TACTICAL SURV. (TAC SURV)		
83	SENTINEL MODS	58,884	58,884
84	NIGHT VISION DEVICES	1,127,375	1,127,375
86	SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF	13,954	13,954
88	INDIRECT FIRE PROTECTION FAMILY OF SYSTEMS	10,069	14,069
	AFRICOM UFR force protection upgrades		[4,000]
89	FAMILY OF WEAPON SIGHTS (FWS)	133,590	133,590
91	JOINT BATTLE COMMAND—PLATFORM (JBC-P)	243,850	243,850
92	JOINT EFFECTS TARGETING SYSTEM (JETS)	69,641	69,641
94	COMPUTER BALLISTICS: LHMBC XM32	7,509	7,509
95	MORTAR FIRE CONTROL SYSTEM	3,800	3,800
96	MORTAR FIRE CONTROL SYSTEMS MODIFICATIONS	7,292	7,292
97	COUNTERFIRE RADARS	72,421	72,421
	ELECT EQUIP—TACTICAL C2 SYSTEMS		
98	ARMY COMMAND POST INTEGRATED INFRASTRUCTURE (	49,947	49,947
99	FIRE SUPPORT C2 FAMILY	9,390	9,390
100	AIR & MSL DEFENSE PLANNING & CONTROL SYS	47,374	47,374
101	IAMD BATTLE COMMAND SYSTEM	201,587	201,587
102	LIFE CYCLE SOFTWARE SUPPORT (LCSS)	4,495	4,495
103	NETWORK MANAGEMENT INITIALIZATION AND SERVICE	18,651	18,651
105	GLOBAL COMBAT SUPPORT SYSTEM-ARMY (GCSS-A)	2,792	2,792
106	INTEGRATED PERSONNEL AND PAY SYSTEM-ARMY (IPP	9,071	9,071
107	RECONNAISSANCE AND SURVEYING INSTRUMENT SET	12,117	12,117
108	MOD OF IN-SVC EQUIPMENT (ENFIRE)	3,004	3,004

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Line	Item	FY 2021 Request	Senate Authorized
	ELECT EQUIP—AUTOMATION		
109	ARMY TRAINING MODERNIZATION	14,574	14,574
110	AUTOMATED DATA PROCESSING EQUIP	140,619	140,619
111	GENERAL FUND ENTERPRISE BUSINESS SYSTEMS FAM	4,448	4,448
112	HIGH PERF COMPUTING MOD PGM (HPCMP)	68,405	68,405
113	CONTRACT WRITING SYSTEM	8,459	8,459
114	CSS COMMUNICATIONS	57,651	57,651
115	RESERVE COMPONENT AUTOMATION SYS (RCAS)	14,848	14,848
	ELECT EQUIP—AUDIO VISUAL SYS (A/V)		
117	ITEMS LESS THAN $5M (SURVEYING EQUIPMENT)	4,995	4,995
	ELECT EQUIP—SUPPORT		
119	BCT EMERGING TECHNOLOGIES	16,983	20,883
	MDTF advanced intel systems remote collection		[3,900]
	CLASSIFIED PROGRAMS		
9999	CLASSIFIED PROGRAMS	1,582	1,582
	CHEMICAL DEFENSIVE EQUIPMENT		
123	CBRN DEFENSE	28,456	42,456
	WMD CST equipment		[14,000]
124	SMOKE & OBSCURANT FAMILY: SOF (NON AAO ITEM)	13,995	13,995
	BRIDGING EQUIPMENT		
125	TACTICAL BRIDGING	10,545	10,545
126	TACTICAL BRIDGE, FLOAT-RIBBON	72,074	72,074
127	BRIDGE SUPPLEMENTAL SET	32,493	32,493
128	COMMON BRIDGE TRANSPORTER (CBT) RECAP	62,978	62,978
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT		
129	HANDHELD STANDOFF MINEFIELD DETECTION SYS-HST	5,570	5,570
130	GRND STANDOFF MINE DETECTN SYSM (GSTAMIDS)	2,497	2,497
132	HUSKY MOUNTED DETECTION SYSTEM (HMDS)	109,069	109,069
134	EOD ROBOTICS SYSTEMS RECAPITALIZATION	36,584	36,584
135	ROBOTICS AND APPLIQUE SYSTEMS	179,544	179,544
137	RENDER SAFE SETS KITS OUTFITS	64,583	64,583
139	FAMILY OF BOATS AND MOTORS	5,289	5,289
	COMBAT SERVICE SUPPORT EQUIPMENT		
140	HEATERS AND ECU'S	8,200	8,200
142	PERSONNEL RECOVERY SUPPORT SYSTEM (PRSS)	4,625	4,625
143	GROUND SOLDIER SYSTEM	154,937	154,937
144	MOBILE SOLDIER POWER	34,297	34,297
147	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM	53,021	53,021
148	FAMILY OF ENGR COMBAT AND CONSTRUCTION SETS	23,324	23,324
149	ITEMS LESS THAN $5M (ENG SPT)	8,014	8,014
	PETROLEUM EQUIPMENT		
150	DISTRIBUTION SYSTEMS, PETROLEUM & WATER	78,448	78,448
	MEDICAL EQUIPMENT		
151	COMBAT SUPPORT MEDICAL	59,485	59,485
	MAINTENANCE EQUIPMENT		
152	MOBILE MAINTENANCE EQUIPMENT SYSTEMS	40,337	40,337
153	ITEMS LESS THAN $5.0M (MAINT EQ)	5,386	5,386
	CONSTRUCTION EQUIPMENT		
154	GRADER, ROAD MTZD, HVY, 6X4 (CCE)	5,406	5,406
155	SCRAPERS, EARTHMOVING	4,188	4,188
156	LOADERS	4,521	4,521
157	HYDRAULIC EXCAVATOR	5,186	5,186
158	TRACTOR, FULL TRACKED	4,715	4,715
159	ALL TERRAIN CRANES	70,560	70,560
162	CONST EQUIP ESP	8,925	8,925
	RAIL FLOAT CONTAINERIZATION EQUIPMENT		
164	ARMY WATERCRAFT ESP	40,910	40,910
165	MANEUVER SUPPORT VESSEL (MSV)	76,576	76,576
166	ITEMS LESS THAN $5.0M (FLOAT/RAIL)	1,844	1,844
	GENERATORS		
167	GENERATORS AND ASSOCIATED EQUIP	53,433	53,433
168	TACTICAL ELECTRIC POWER RECAPITALIZATION	22,216	22,216
	MATERIAL HANDLING EQUIPMENT		
169	FAMILY OF FORKLIFTS	16,145	16,145
	TRAINING EQUIPMENT		
170	COMBAT TRAINING CENTERS SUPPORT	90,580	90,580
171	TRAINING DEVICES, NONSYSTEM	161,814	161,814
172	SYNTHETIC TRAINING ENVIRONMENT (STE)	13,063	13,063
175	GAMING TECHNOLOGY IN SUPPORT OF ARMY TRAINING	1,950	1,950
	TEST MEASURE AND DIG EQUIPMENT (TMD)		
176	CALIBRATION SETS EQUIPMENT	2,511	2,511
177	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE)	78,578	78,578
178	TEST EQUIPMENT MODERNIZATION (TEMOD)	14,941	14,941
	OTHER SUPPORT EQUIPMENT		
180	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT	8,629	8,629
181	PHYSICAL SECURITY SYSTEMS (OPA3)	75,499	87,499
	AFRICOM UFR force protection upgrades		[12,000]
182	BASE LEVEL COMMON EQUIPMENT	27,444	27,444
183	MODIFICATION OF IN-SVC EQUIPMENT (OPA–3)	32,485	48,385
	Expeditionary Solid Waste Disposal System		[15,900]
187	SPECIAL EQUIPMENT FOR TEST AND EVALUATION	39,436	39,436
	OPA2		

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(In Thousands of Dollars)

Line	Item	FY 2021 Request	Senate Authorized
189	INITIAL SPARES—C&E	9,950	9,950
	TOTAL OTHER PROCUREMENT, ARMY	**8,625,206**	**8,685,239**
	AIRCRAFT PROCUREMENT, NAVY		
	COMBAT AIRCRAFT		
1	F/A–18E/F (FIGHTER) HORNET	1,761,146	1,761,146
3	JOINT STRIKE FIGHTER CV	2,181,780	2,381,780
	Additional aircraft		[200,000]
4	JOINT STRIKE FIGHTER CV AP	330,386	330,386
5	JSF STOVL	1,109,393	1,234,893
	Additional 2 F–35B aircraft		[125,500]
6	JSF STOVL AP	303,035	303,035
7	CH–53K (HEAVY LIFT)	813,324	793,324
	Force Design 2030 realignment NRE excess		[–20,000]
8	CH–53K (HEAVY LIFT) AP	201,188	191,188
	Force Design 2030 realignment		[–10,000]
9	V–22 (MEDIUM LIFT)	934,793	934,793
10	V–22 (MEDIUM LIFT) AP	39,547	39,547
11	H–1 UPGRADES (UH–1Y/AH–1Z)	7,267	7,267
13	P–8A POSEIDON	80,134	80,134
15	E–2D ADV HAWKEYE	626,109	626,109
16	E–2D ADV HAWKEYE AP	123,166	123,166
	TRAINER AIRCRAFT		
17	ADVANCED HELICOPTER TRAINING SYSTEM	269,867	269,867
	OTHER AIRCRAFT		
18	KC–130J	380,984	380,984
19	KC–130J AP	67,022	67,022
21	MQ–4 TRITON	150,570	100,570
	Excess funding given procurement pause until FY23		[–50,000]
23	MQ–8 UAV	40,375	40,375
24	STUASL0 UAV	30,930	30,930
26	VH–92A EXECUTIVE HELO	610,231	610,231
	MODIFICATION OF AIRCRAFT		
28	F–18 A-D UNIQUE	208,261	208,261
29	F–18E/F AND EA–18G MODERNIZATION AND SUSTAINM	468,954	468,954
30	AEA SYSTEMS	21,061	21,061
31	AV–8 SERIES	34,082	34,082
32	INFRARED SEARCH AND TRACK (IRST)	158,055	158,055
33	ADVERSARY	42,946	42,946
34	F–18 SERIES	379,351	379,351
35	H–53 SERIES	74,771	74,771
36	MH–60 SERIES	131,584	131,584
37	H–1 SERIES	185,140	185,140
38	EP–3 SERIES	26,602	26,602
40	E–2 SERIES	175,540	175,540
41	TRAINER A/C SERIES	7,085	7,085
42	C–2A	9,525	9,525
43	C–130 SERIES	141,705	141,705
44	FEWSG	684	684
45	CARGO/TRANSPORT A/C SERIES	8,911	8,911
46	E–6 SERIES	197,206	197,206
47	EXECUTIVE HELICOPTERS SERIES	29,086	29,086
49	T–45 SERIES	155,745	155,745
50	POWER PLANT CHANGES	24,633	24,633
51	JPATS SERIES	22,682	22,682
52	AVIATION LIFE SUPPORT MODS	40,401	45,401
	Aviation body armor vest		[5,000]
53	COMMON ECM EQUIPMENT	138,480	138,480
54	COMMON AVIONICS CHANGES	143,322	143,322
55	COMMON DEFENSIVE WEAPON SYSTEM	2,142	2,142
56	ID SYSTEMS	35,999	35,999
57	P–8 SERIES	180,530	180,530
58	MAGTF EW FOR AVIATION	27,794	27,794
59	MQ–8 SERIES	28,774	28,774
60	V–22 (TILT/ROTOR ACFT) OSPREY	334,405	334,405
61	NEXT GENERATION JAMMER (NGJ)	176,638	176,638
62	F–35 STOVL SERIES	153,588	153,588
63	F–35 CV SERIES	105,452	105,452
64	QRC	126,618	126,618
65	MQ–4 SERIES	12,998	12,998
66	RQ–21 SERIES	18,550	18,550
	AIRCRAFT SPARES AND REPAIR PARTS		
70	SPARES AND REPAIR PARTS	2,198,460	2,228,460
	Additional F–35B/C spares		[30,000]
	AIRCRAFT SUPPORT EQUIP & FACILITIES		
71	COMMON GROUND EQUIPMENT	543,559	543,559
72	AIRCRAFT INDUSTRIAL FACILITIES	75,685	75,685
73	WAR CONSUMABLES	40,633	40,633
74	OTHER PRODUCTION CHARGES	21,194	21,194
75	SPECIAL SUPPORT EQUIPMENT	155,179	155,179
76	FIRST DESTINATION TRANSPORTATION	2,121	2,121
	TOTAL AIRCRAFT PROCUREMENT, NAVY	**17,127,378**	**17,407,878**

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Senate Authorized
	WEAPONS PROCUREMENT, NAVY		
	MODIFICATION OF MISSILES		
1	TRIDENT II MODS	1,173,837	1,173,837
	SUPPORT EQUIPMENT & FACILITIES		
2	MISSILE INDUSTRIAL FACILITIES	7,275	7,275
	STRATEGIC MISSILES		
3	TOMAHAWK	277,694	303,694
	Program increase for USMC Tomahawk		[26,000]
	TACTICAL MISSILES		
4	AMRAAM	326,952	326,952
5	SIDEWINDER	126,485	126,485
7	STANDARD MISSILE	456,206	456,206
8	STANDARD MISSILE AP	66,716	66,716
9	SMALL DIAMETER BOMB II	78,867	78,867
10	RAM	90,533	90,533
11	JOINT AIR GROUND MISSILE (JAGM)	49,386	49,386
14	AERIAL TARGETS	174,336	174,336
15	DRONES AND DECOYS	41,256	41,256
16	OTHER MISSILE SUPPORT	3,501	3,501
17	LRASM	168,845	203,845
	Additional Navy LRASM missiles		[35,000]
18	LCS OTH MISSILE	32,910	32,910
	MODIFICATION OF MISSILES		
19	TOMAHAWK MODS	164,915	164,915
20	ESSM	215,375	215,375
22	HARM MODS	147,572	147,572
23	STANDARD MISSILES MODS	83,654	83,654
	SUPPORT EQUIPMENT & FACILITIES		
24	WEAPONS INDUSTRIAL FACILITIES	1,996	1,996
25	FLEET SATELLITE COMM FOLLOW-ON	53,401	53,401
	ORDNANCE SUPPORT EQUIPMENT		
27	ORDNANCE SUPPORT EQUIPMENT	215,659	215,659
	TORPEDOES AND RELATED EQUIP		
28	SSTD	5,811	3,611
	Insufficient justification for ADC non-recurring costs		[–2,200]
29	MK–48 TORPEDO	284,901	284,901
30	ASW TARGETS	13,833	13,833
	MOD OF TORPEDOES AND RELATED EQUIP		
31	MK–54 TORPEDO MODS	110,286	100,286
	Mk 54 Mod 0 production delays		[–10,000]
32	MK–48 TORPEDO ADCAP MODS	57,214	57,214
33	MARITIME MINES	5,832	5,832
	SUPPORT EQUIPMENT		
34	TORPEDO SUPPORT EQUIPMENT	97,581	97,581
35	ASW RANGE SUPPORT	4,159	4,159
	DESTINATION TRANSPORTATION		
36	FIRST DESTINATION TRANSPORTATION	4,106	4,106
	GUNS AND GUN MOUNTS		
37	SMALL ARMS AND WEAPONS	16,030	16,030
	MODIFICATION OF GUNS AND GUN MOUNTS		
38	CIWS MODS	37,147	37,147
39	COAST GUARD WEAPONS	45,804	45,804
40	GUN MOUNT MODS	74,427	74,427
41	LCS MODULE WEAPONS	4,253	4,253
42	AIRBORNE MINE NEUTRALIZATION SYSTEMS	6,662	6,662
	SPARES AND REPAIR PARTS		
45	SPARES AND REPAIR PARTS	159,578	159,578
	TOTAL WEAPONS PROCUREMENT, NAVY	**4,884,995**	**4,933,795**
	PROCUREMENT OF AMMO, NAVY & MC		
	NAVY AMMUNITION		
1	GENERAL PURPOSE BOMBS	41,496	41,496
2	JDAM	64,631	64,631
3	AIRBORNE ROCKETS, ALL TYPES	60,719	60,719
4	MACHINE GUN AMMUNITION	11,158	11,158
5	PRACTICE BOMBS	51,409	51,409
6	CARTRIDGES & CART ACTUATED DEVICES	64,694	64,694
7	AIR EXPENDABLE COUNTERMEASURES	51,523	51,523
8	JATOS	6,761	6,761
9	5 INCH/54 GUN AMMUNITION	31,517	31,517
10	INTERMEDIATE CALIBER GUN AMMUNITION	38,005	38,005
11	OTHER SHIP GUN AMMUNITION	40,626	40,626
12	SMALL ARMS & LANDING PARTY AMMO	48,202	48,202
13	PYROTECHNIC AND DEMOLITION	9,766	9,766
15	AMMUNITION LESS THAN $5 MILLION	2,115	2,115
	MARINE CORPS AMMUNITION		
16	MORTARS	46,781	46,781
17	DIRECT SUPPORT MUNITIONS	119,504	119,504
18	INFANTRY WEAPONS AMMUNITION	83,220	83,220
19	COMBAT SUPPORT MUNITIONS	32,650	32,650
20	AMMO MODERNIZATION	15,144	15,144

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Line	Item	FY 2021 Request	Senate Authorized
21	ARTILLERY MUNITIONS	59,539	59,539
22	ITEMS LESS THAN $5 MILLION	4,142	4,142
	TOTAL PROCUREMENT OF AMMO, NAVY & MC	**883,602**	**883,602**
	SHIPBUILDING AND CONVERSION, NAVY		
	FLEET BALLISTIC MISSILE SHIPS		
1	OHIO REPLACEMENT SUBMARINE	2,891,475	2,891,475
2	OHIO REPLACEMENT SUBMARINE AP	1,123,175	1,298,175
	Submarine supplier stability		[175,000]
	OTHER WARSHIPS		
3	CARRIER REPLACEMENT PROGRAM	997,544	997,544
4	CVN–81	1,645,606	1,645,606
5	VIRGINIA CLASS SUBMARINE	2,334,693	2,260,293
	Unjustified cost growth		[–74,400]
6	VIRGINIA CLASS SUBMARINE AP	1,901,187	2,373,187
	Long lead material for option ship		[472,000]
7	CVN REFUELING OVERHAULS	1,878,453	1,878,453
8	CVN REFUELING OVERHAULS AP	17,384	17,384
9	DDG 1000	78,205	78,205
10	DDG–51	3,040,270	3,010,270
	Available prior-year funds		[–30,000]
11	DDG–51 AP	29,297	464,297
	LLTM for FY22 DDG–51s		[260,000]
	Surface ship supplier stability		[175,000]
13	FFG-FRIGATE	1,053,123	1,053,123
	AMPHIBIOUS SHIPS		
14	LPD FLIGHT II	1,155,801	905,801
	Transfer to Line 15		[–250,000]
15	LPD FLIGHT II AP	0	500,000
	LPD–32 and LPD–33 program increase		[250,000]
	Transfer from Line 14 for LPD–32 and LPD–33		[250,000]
17	LHA REPLACEMENT	0	250,000
	LHA–9 program increase		[250,000]
	AUXILIARIES, CRAFT AND PRIOR YR PROGRAM COST		
22	TOWING, SALVAGE, AND RESCUE SHIP (ATS)	168,209	168,209
23	LCU 1700	87,395	70,395
	Insufficient justification		[–17,000]
24	OUTFITTING	825,586	747,286
	Unjustified cost growth		[–78,300]
26	SERVICE CRAFT	249,781	275,281
	Accelerate YP–703 Flight II		[25,500]
27	LCAC SLEP	56,461	0
	Insufficient justification		[–56,461]
28	COMPLETION OF PY SHIPBUILDING PROGRAMS	369,112	369,112
	TOTAL SHIPBUILDING AND CONVERSION, NAVY	**19,902,757**	**21,254,096**
	OTHER PROCUREMENT, NAVY		
	SHIP PROPULSION EQUIPMENT		
1	SURFACE POWER EQUIPMENT	11,738	11,738
	GENERATORS		
2	SURFACE COMBATANT HM&E	58,497	38,497
	Hardware and software upgrades for 5 previously procured HED ship sets		[15,000]
	HED installation early to need		[–35,000]
	NAVIGATION EQUIPMENT		
3	OTHER NAVIGATION EQUIPMENT	74,084	74,084
	OTHER SHIPBOARD EQUIPMENT		
4	SUB PERISCOPE, IMAGING AND SUPT EQUIP PROG	204,806	204,806
5	DDG MOD	547,569	497,569
	Installation excess unit cost growth		[–50,000]
6	FIREFIGHTING EQUIPMENT	18,394	18,394
7	COMMAND AND CONTROL SWITCHBOARD	2,374	2,374
8	LHA/LHD MIDLIFE	78,265	78,265
9	POLLUTION CONTROL EQUIPMENT	23,035	23,035
10	SUBMARINE SUPPORT EQUIPMENT	64,632	64,632
11	VIRGINIA CLASS SUPPORT EQUIPMENT	22,868	22,868
12	LCS CLASS SUPPORT EQUIPMENT	3,976	3,976
13	SUBMARINE BATTERIES	31,322	31,322
14	LPD CLASS SUPPORT EQUIPMENT	50,475	50,475
15	DDG 1000 CLASS SUPPORT EQUIPMENT	42,279	42,279
16	STRATEGIC PLATFORM SUPPORT EQUIP	15,429	15,429
17	DSSP EQUIPMENT	2,918	2,918
18	CG MODERNIZATION	87,978	87,978
19	LCAC	9,366	9,366
20	UNDERWATER EOD EQUIPMENT	16,842	16,842
21	ITEMS LESS THAN $5 MILLION	105,715	105,715
22	CHEMICAL WARFARE DETECTORS	3,044	3,044
23	SUBMARINE LIFE SUPPORT SYSTEM	5,885	5,885
	REACTOR PLANT EQUIPMENT		
24	SHIP MAINTENANCE, REPAIR AND MODERNIZATION	1,260,721	1,260,721
25	REACTOR POWER UNITS	5,305	5,305
26	REACTOR COMPONENTS	415,404	415,404
	OCEAN ENGINEERING		

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Line	Item	FY 2021 Request	Senate Authorized
27	DIVING AND SALVAGE EQUIPMENT	11,143	11,143
	SMALL BOATS		
28	STANDARD BOATS	52,371	52,371
	PRODUCTION FACILITIES EQUIPMENT		
29	OPERATING FORCES IPE	233,667	233,667
	OTHER SHIP SUPPORT		
30	LCS COMMON MISSION MODULES EQUIPMENT	39,714	17,414
	MCM containers and MPCE sonar processing insufficient justification		[–22,300]
31	LCS MCM MISSION MODULES	218,822	95,322
	Excess procurement ahead of satisfactory testing		[–123,500]
32	LCS ASW MISSION MODULES	61,759	4,759
	Excess procurement ahead of satisfactory testing		[–57,000]
33	LCS SUW MISSION MODULES	24,412	24,412
34	LCS IN-SERVICE MODERNIZATION	121,848	121,848
35	SMALL & MEDIUM UUV	67,709	37,609
	SMCM UUV excess procurement ahead of satisfactory testing		[–30,100]
	SHIP SONARS		
37	SPQ–9B RADAR	27,517	27,517
38	AN/SQQ–89 SURF ASW COMBAT SYSTEM	128,664	128,664
39	SSN ACOUSTIC EQUIPMENT	374,737	374,737
40	UNDERSEA WARFARE SUPPORT EQUIPMENT	9,286	9,286
	ASW ELECTRONIC EQUIPMENT		
41	SUBMARINE ACOUSTIC WARFARE SYSTEM	26,066	26,066
42	SSTD	13,241	13,241
43	FIXED SURVEILLANCE SYSTEM	193,446	193,446
44	SURTASS	63,838	63,838
	ELECTRONIC WARFARE EQUIPMENT		
45	AN/SLQ–32	387,195	330,795
	Early to need		[–56,400]
	RECONNAISSANCE EQUIPMENT		
46	SHIPBOARD IW EXPLOIT	235,744	235,744
47	AUTOMATED IDENTIFICATION SYSTEM (AIS)	3,862	3,862
	OTHER SHIP ELECTRONIC EQUIPMENT		
48	COOPERATIVE ENGAGEMENT CAPABILITY	26,006	18,706
	Common Array Block antenna program delays		[–7,300]
49	NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS)	15,385	15,385
50	ATDLS	103,835	103,835
51	NAVY COMMAND AND CONTROL SYSTEM (NCCS)	3,594	3,594
52	MINESWEEPING SYSTEM REPLACEMENT	15,744	15,744
53	SHALLOW WATER MCM	5,493	5,493
54	NAVSTAR GPS RECEIVERS (SPACE)	38,043	38,043
55	AMERICAN FORCES RADIO AND TV SERVICE	2,592	2,592
56	STRATEGIC PLATFORM SUPPORT EQUIP	7,985	7,985
	AVIATION ELECTRONIC EQUIPMENT		
57	ASHORE ATC EQUIPMENT	83,475	83,475
58	AFLOAT ATC EQUIPMENT	65,113	65,113
59	ID SYSTEMS	23,815	23,815
60	JOINT PRECISION APPROACH AND LANDING SYSTEM (	100,751	100,751
61	NAVAL MISSION PLANNING SYSTEMS	13,947	13,947
	OTHER SHORE ELECTRONIC EQUIPMENT		
62	MARITIME INTEGRATED BROADCAST SYSTEM	1,375	1,375
63	TACTICAL/MOBILE C4I SYSTEMS	22,771	22,771
64	DCGS-N	18,872	18,872
65	CANES	389,585	389,585
66	RADIAC	10,335	10,335
67	CANES-INTELL	48,654	48,654
68	GPETE	8,133	8,133
69	MASF	4,150	4,150
70	INTEG COMBAT SYSTEM TEST FACILITY	5,934	5,934
71	EMI CONTROL INSTRUMENTATION	4,334	4,334
72	ITEMS LESS THAN $5 MILLION	159,815	105,015
	NGSSR available prior year funds		[–54,800]
	SHIPBOARD COMMUNICATIONS		
73	SHIPBOARD TACTICAL COMMUNICATIONS	56,106	56,106
74	SHIP COMMUNICATIONS AUTOMATION	124,288	124,288
75	COMMUNICATIONS ITEMS UNDER $5M	45,120	45,120
	SUBMARINE COMMUNICATIONS		
76	SUBMARINE BROADCAST SUPPORT	31,133	31,133
77	SUBMARINE COMMUNICATION EQUIPMENT	62,214	62,214
	SATELLITE COMMUNICATIONS		
78	SATELLITE COMMUNICATIONS SYSTEMS	47,421	47,421
79	NAVY MULTIBAND TERMINAL (NMT)	64,552	64,552
	SHORE COMMUNICATIONS		
80	JOINT COMMUNICATIONS SUPPORT ELEMENT (JCSE)	4,398	4,398
	CRYPTOGRAPHIC EQUIPMENT		
81	INFO SYSTEMS SECURITY PROGRAM (ISSP)	157,551	157,551
82	MIO INTEL EXPLOITATION TEAM	985	985
	CRYPTOLOGIC EQUIPMENT		
83	CRYPTOLOGIC COMMUNICATIONS EQUIP	15,906	15,906
	OTHER ELECTRONIC SUPPORT		
90	COAST GUARD EQUIPMENT	70,689	70,689
	SONOBUOYS		

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Line	Item	FY 2021 Request	Senate Authorized
92	SONOBUOYS—ALL TYPES	237,639	286,739
	Program increase for sonobuoys		[49,100]
	AIRCRAFT SUPPORT EQUIPMENT		
93	MINOTAUR	5,077	5,077
94	WEAPONS RANGE SUPPORT EQUIPMENT	83,969	83,969
95	AIRCRAFT SUPPORT EQUIPMENT	187,758	187,758
96	ADVANCED ARRESTING GEAR (AAG)	16,059	16,059
97	METEOROLOGICAL EQUIPMENT	15,192	15,192
99	LEGACY AIRBORNE MCM	6,674	6,674
100	LAMPS EQUIPMENT	1,189	1,189
101	AVIATION SUPPORT EQUIPMENT	58,873	58,873
102	UMCS-UNMAN CARRIER AVIATION(UCA)MISSION CNTRL	60,937	60,937
	SHIP GUN SYSTEM EQUIPMENT		
103	SHIP GUN SYSTEMS EQUIPMENT	5,540	5,540
	SHIP MISSILE SYSTEMS EQUIPMENT		
104	HARPOON SUPPORT EQUIPMENT	208	208
105	SHIP MISSILE SUPPORT EQUIPMENT	262,077	262,077
106	TOMAHAWK SUPPORT EQUIPMENT	84,087	84,087
	FBM SUPPORT EQUIPMENT		
107	STRATEGIC MISSILE SYSTEMS EQUIP	258,910	258,910
	ASW SUPPORT EQUIPMENT		
108	SSN COMBAT CONTROL SYSTEMS	173,770	173,770
109	ASW SUPPORT EQUIPMENT	26,584	26,584
	OTHER ORDNANCE SUPPORT EQUIPMENT		
110	EXPLOSIVE ORDNANCE DISPOSAL EQUIP	7,470	7,470
111	ITEMS LESS THAN $5 MILLION	6,356	6,356
	OTHER EXPENDABLE ORDNANCE		
112	ANTI-SHIP MISSILE DECOY SYSTEM	86,356	86,356
113	SUBMARINE TRAINING DEVICE MODS	69,240	69,240
114	SURFACE TRAINING EQUIPMENT	192,245	192,245
	CIVIL ENGINEERING SUPPORT EQUIPMENT		
115	PASSENGER CARRYING VEHICLES	6,123	6,123
116	GENERAL PURPOSE TRUCKS	2,693	2,693
117	CONSTRUCTION & MAINTENANCE EQUIP	47,301	47,301
118	FIRE FIGHTING EQUIPMENT	10,352	10,352
119	TACTICAL VEHICLES	31,475	31,475
121	POLLUTION CONTROL EQUIPMENT	2,630	2,630
122	ITEMS LESS THAN $5 MILLION	47,972	47,972
123	PHYSICAL SECURITY VEHICLES	1,171	1,171
	SUPPLY SUPPORT EQUIPMENT		
124	SUPPLY EQUIPMENT	19,693	19,693
125	FIRST DESTINATION TRANSPORTATION	4,956	4,956
126	SPECIAL PURPOSE SUPPLY SYSTEMS	668,639	668,639
	TRAINING DEVICES		
127	TRAINING SUPPORT EQUIPMENT	4,026	4,026
128	TRAINING AND EDUCATION EQUIPMENT	73,454	73,454
	COMMAND SUPPORT EQUIPMENT		
129	COMMAND SUPPORT EQUIPMENT	32,390	32,390
130	MEDICAL SUPPORT EQUIPMENT	974	974
132	NAVAL MIP SUPPORT EQUIPMENT	5,606	5,606
133	OPERATING FORCES SUPPORT EQUIPMENT	16,024	16,024
134	C4ISR EQUIPMENT	6,697	6,697
135	ENVIRONMENTAL SUPPORT EQUIPMENT	27,503	27,503
136	PHYSICAL SECURITY EQUIPMENT	138,281	138,281
137	ENTERPRISE INFORMATION TECHNOLOGY	42,680	42,680
	OTHER		
140	NEXT GENERATION ENTERPRISE SERVICE	184,443	184,443
141	CYBERSPACE ACTIVITIES	16,523	16,523
	CLASSIFIED PROGRAMS		
9999	CLASSIFIED PROGRAMS	18,446	18,446
	SPARES AND REPAIR PARTS		
142	SPARES AND REPAIR PARTS	374,195	374,195
	TOTAL OTHER PROCUREMENT, NAVY	**10,948,518**	**10,576,218**
	PROCUREMENT, MARINE CORPS		
	TRACKED COMBAT VEHICLES		
1	AAV7A1 PIP	87,476	87,476
2	AMPHIBIOUS COMBAT VEHICLE FAMILY OF VEHICLES	478,874	478,874
3	LAV PIP	41,988	41,988
	ARTILLERY AND OTHER WEAPONS		
4	155MM LIGHTWEIGHT TOWED HOWITZER	59	59
5	ARTILLERY WEAPONS SYSTEM	174,687	234,287
	Ground-Based Anti-Ship Missile NSM		[59,600]
6	WEAPONS AND COMBAT VEHICLES UNDER $5 MILLION	24,867	24,867
	OTHER SUPPORT		
7	MODIFICATION KITS	3,067	3,067
	GUIDED MISSILES		
8	GROUND BASED AIR DEFENSE	18,920	18,920
9	ANTI-ARMOR MISSILE-JAVELIN	19,888	19,888
10	FAMILY ANTI-ARMOR WEAPON SYSTEMS (FOAAWS)	21,891	21,891
11	ANTI-ARMOR MISSILE-TOW	34,985	34,985
12	GUIDED MLRS ROCKET (GMLRS)	133,689	133,689

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Line	Item	FY 2021 Request	Senate Authorized
	COMMAND AND CONTROL SYSTEMS		
13	COMMON AVIATION COMMAND AND CONTROL SYSTEM (C	35,057	35,057
	REPAIR AND TEST EQUIPMENT		
14	REPAIR AND TEST EQUIPMENT	24,405	24,405
	OTHER SUPPORT (TEL)		
15	MODIFICATION KITS	1,006	1,006
	COMMAND AND CONTROL SYSTEM (NON-TEL)		
16	ITEMS UNDER $5 MILLION (COMM & ELEC)	69,725	69,725
17	AIR OPERATIONS C2 SYSTEMS	15,611	15,611
	RADAR + EQUIPMENT (NON-TEL)		
19	GROUND/AIR TASK ORIENTED RADAR (G/ATOR)	284,283	284,283
	INTELL/COMM EQUIPMENT (NON-TEL)		
20	GCSS-MC	1,587	1,587
21	FIRE SUPPORT SYSTEM	24,934	24,934
22	INTELLIGENCE SUPPORT EQUIPMENT	50,728	50,728
24	UNMANNED AIR SYSTEMS (INTEL)	24,853	24,853
25	DCGS-MC	38,260	38,260
26	UAS PAYLOADS	5,489	5,489
	OTHER SUPPORT (NON-TEL)		
29	NEXT GENERATION ENTERPRISE NETWORK (NGEN)	78,922	78,922
30	COMMON COMPUTER RESOURCES	35,349	35,349
31	COMMAND POST SYSTEMS	33,713	33,713
32	RADIO SYSTEMS	343,250	343,250
33	COMM SWITCHING & CONTROL SYSTEMS	40,627	40,627
34	COMM & ELEC INFRASTRUCTURE SUPPORT	43,782	43,782
35	CYBERSPACE ACTIVITIES	53,896	53,896
	CLASSIFIED PROGRAMS		
9999	CLASSIFIED PROGRAMS	3,797	3,797
	ADMINISTRATIVE VEHICLES		
37	COMMERCIAL CARGO VEHICLES	22,460	22,460
	TACTICAL VEHICLES		
38	MOTOR TRANSPORT MODIFICATIONS	10,739	10,739
39	JOINT LIGHT TACTICAL VEHICLE	381,675	381,675
40	FAMILY OF TACTICAL TRAILERS	2,963	2,963
	ENGINEER AND OTHER EQUIPMENT		
42	ENVIRONMENTAL CONTROL EQUIP ASSORT	385	385
43	TACTICAL FUEL SYSTEMS	501	501
44	POWER EQUIPMENT ASSORTED	23,430	23,430
45	AMPHIBIOUS SUPPORT EQUIPMENT	5,752	5,752
46	EOD SYSTEMS	20,939	20,939
	MATERIALS HANDLING EQUIPMENT		
47	PHYSICAL SECURITY EQUIPMENT	23,063	23,063
	GENERAL PROPERTY		
48	FIELD MEDICAL EQUIPMENT	4,187	4,187
49	TRAINING DEVICES	101,765	101,765
50	FAMILY OF CONSTRUCTION EQUIPMENT	19,305	19,305
51	ULTRA-LIGHT TACTICAL VEHICLE (ULTV)	678	678
	OTHER SUPPORT		
52	ITEMS LESS THAN $5 MILLION	9,174	9,174
	SPARES AND REPAIR PARTS		
53	SPARES AND REPAIR PARTS	27,295	27,295
	TOTAL PROCUREMENT, MARINE CORPS	**2,903,976**	**2,963,576**
	AIRCRAFT PROCUREMENT, AIR FORCE		
	TACTICAL FORCES		
1	F–35	4,567,018	5,543,685
	Additional 12 F–35As		[976,667]
2	F–35	610,800	610,800
4	F–15EX	1,269,847	1,269,847
5	F–15EX	133,500	133,500
	TACTICAL AIRLIFT		
7	KC–46A MDAP	2,850,151	2,850,151
	OTHER AIRLIFT		
8	C–130J	37,131	37,131
10	MC–130J	362,807	362,807
11	MC–130J	39,987	39,987
	HELICOPTERS		
12	UH–1N REPLACEMENT	194,016	194,016
13	COMBAT RESCUE HELICOPTER	973,473	973,473
	MISSION SUPPORT AIRCRAFT		
15	CIVIL AIR PATROL A/C	2,811	2,811
	OTHER AIRCRAFT		
16	TARGET DRONES	133,273	133,273
18	COMPASS CALL	161,117	161,117
20	MQ–9	29,409	79,409
	Program increase		[50,000]
	STRATEGIC AIRCRAFT		
22	B–1	3,853	0
	USAF-requested transfer to RDAF Line 174		[–3,853]
23	B–2A	31,476	31,476
24	B–1B	21,808	21,315
	USAF-requested transfer to RDAF Line 174		[–493]

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Line	Item	FY 2021 Request	Senate Authorized
25	B–52	53,949	53,949
26	LARGE AIRCRAFT INFRARED COUNTERMEASURES	9,999	9,999
	TACTICAL AIRCRAFT		
27	A–10	135,793	135,793
28	E–11 BACN/HAG	33,645	33,645
29	F–15	349,304	349,304
30	F–16	615,760	640,760
	Additional radars		[25,000]
32	F–22A	387,905	387,905
33	F–35 MODIFICATIONS	322,185	322,185
34	F–15 EPAW	31,995	31,995
35	INCREMENT 3.2B	5,889	5,889
36	KC–46A MDAP	24,085	24,085
	AIRLIFT AIRCRAFT		
37	C–5	62,108	62,108
38	C–17A	66,798	66,798
40	C–32A	2,947	2,947
41	C–37A	12,985	12,985
	TRAINER AIRCRAFT		
42	GLIDER MODS	977	977
43	T–6	26,829	26,829
44	T–1	4,465	4,465
45	T–38	36,806	44,506
	T–38 ejection seats		[7,700]
	OTHER AIRCRAFT		
46	U–2 MODS	110,618	110,618
47	KC–10A (ATCA)	117	117
49	VC–25A MOD	1,983	1,983
50	C–40	9,252	9,252
51	C–130	5,871	5,871
52	C–130J MODS	140,032	140,032
53	C–135	88,250	88,250
55	COMPASS CALL	193,389	193,389
57	RC–135	191,332	191,332
58	E–3	172,141	172,141
59	E–4	58,803	44,103
	Funds rephased to future fiscal years		[–14,700]
60	E–8	11,037	21,037
	Secure information transmission capability		[10,000]
61	AIRBORNE WARNING AND CNTRL SYS (AWACS) 40/45	53,343	53,343
62	FAMILY OF BEYOND LINE-OF-SIGHT TERMINALS	1,573	1,573
63	H–1	4,410	4,410
64	H–60	44,538	44,538
65	RQ–4 MODS	40,468	40,468
66	HC/MC–130 MODIFICATIONS	20,780	20,780
67	OTHER AIRCRAFT	100,774	100,774
68	MQ–9 MODS	188,387	188,387
70	CV–22 MODS	122,306	127,306
	CV–22 ABSS		[5,000]
	AIRCRAFT SPARES AND REPAIR PARTS		
71	INITIAL SPARES/REPAIR PARTS	926,683	956,683
	F–35A initial spares increase		[30,000]
	COMMON SUPPORT EQUIPMENT		
73	AIRCRAFT REPLACEMENT SUPPORT EQUIP	132,719	132,719
	POST PRODUCTION SUPPORT		
74	B–2A	1,683	1,683
75	B–2B	46,734	46,734
76	B–52	1,034	1,034
79	E–11 BACN/HAG	63,419	63,419
80	F–15	2,632	2,632
81	F–16	14,163	14,163
83	OTHER AIRCRAFT	4,595	4,595
84	RQ–4 POST PRODUCTION CHARGES	32,585	32,585
	INDUSTRIAL PREPAREDNESS		
85	INDUSTRIAL RESPONSIVENESS	18,215	18,215
	WAR CONSUMABLES		
86	WAR CONSUMABLES	36,046	36,046
	OTHER PRODUCTION CHARGES		
87	OTHER PRODUCTION CHARGES	1,439,640	1,514,640
	Classified increase		[75,000]
	CLASSIFIED PROGRAMS		
9999	CLASSIFIED PROGRAMS	21,692	21,692
	TOTAL AIRCRAFT PROCUREMENT, AIR FORCE	**17,908,145**	**19,068,466**
	MISSILE PROCUREMENT, AIR FORCE		
	MISSILE REPLACEMENT EQUIPMENT—BALLISTIC		
1	MISSILE REPLACEMENT EQ-BALLISTIC	75,012	75,012
	TACTICAL		
2	REPLAC EQUIP & WAR CONSUMABLES	4,495	4,495
4	JOINT AIR-SURFACE STANDOFF MISSILE	475,949	400,949
	Realignment to support NDS requirements in Pacific		[–75,000]
5	LRASM0	19,800	94,800

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Line	Item	FY 2021 Request	Senate Authorized
	Additional Air Force LRASM missiles		[75,000]
6	SIDEWINDER (AIM–9X)	164,769	164,769
7	AMRAAM	453,223	453,223
8	PREDATOR HELLFIRE MISSILE	40,129	40,129
9	SMALL DIAMETER BOMB	45,475	45,475
10	SMALL DIAMETER BOMB II	273,272	273,272
	INDUSTRIAL FACILITIES		
11	INDUSTR'L PREPAREDNS/POL PREVENTION	814	814
	CLASS IV		
13	ICBM FUZE MOD	3,458	3,458
14	ICBM FUZE MOD AP	43,450	43,450
15	MM III MODIFICATIONS	85,310	85,310
16	AGM–65D MAVERICK	298	298
17	AIR LAUNCH CRUISE MISSILE (ALCM)	52,924	52,924
	MISSILE SPARES AND REPAIR PARTS		
18	MSL SPRS/REPAIR PARTS (INITIAL)	9,402	9,402
19	MSL SPRS/REPAIR PARTS (REPLEN)	84,671	84,671
	SPECIAL PROGRAMS		
25	SPECIAL UPDATE PROGRAMS	23,501	23,501
	CLASSIFIED PROGRAMS		
9999	CLASSIFIED PROGRAMS	540,465	540,465
	TOTAL MISSILE PROCUREMENT, AIR FORCE	**2,396,417**	**2,396,417**
	PROCUREMENT, SPACE FORCE		
	SPACE PROCUREMENT, SF		
1	ADVANCED EHF	14,823	14,823
2	AF SATELLITE COMM SYSTEM	48,326	48,326
3	COUNTERSPACE SYSTEMS	65,540	65,540
4	FAMILY OF BEYOND LINE-OF-SIGHT TERMINALS	66,190	66,190
5	GENERAL INFORMATION TECH—SPACE	3,299	3,299
6	GPSIII FOLLOW ON	627,796	627,796
7	GPS III SPACE SEGMENT	20,122	20,122
8	GLOBAL POSTIONING (SPACE)	2,256	2,256
9	SPACEBORNE EQUIP (COMSEC)	35,495	35,495
10	MILSATCOM	15,795	15,795
11	SBIR HIGH (SPACE)	160,891	160,891
12	SPECIAL SPACE ACTIVITIES	78,387	78,387
13	NATIONAL SECURITY SPACE LAUNCH	1,043,171	1,043,171
14	NUDET DETECTION SYSTEM	6,638	6,638
15	ROCKET SYSTEMS LAUNCH PROGRAM	47,741	47,741
16	SPACE FENCE	11,279	11,279
17	SPACE MODS	96,551	109,051
	Cobra Dane service life extension		[12,500]
18	SPACELIFT RANGE SYSTEM SPACE	100,492	100,492
	SPARES		
19	SPARES AND REPAIR PARTS	1,272	1,272
	TOTAL PROCUREMENT, SPACE FORCE	**2,446,064**	**2,458,564**
	PROCUREMENT OF AMMUNITION, AIR FORCE		
	ROCKETS		
1	ROCKETS	14,962	14,962
	CARTRIDGES		
2	CARTRIDGES	123,365	123,365
	BOMBS		
3	PRACTICE BOMBS	59,725	59,725
6	JOINT DIRECT ATTACK MUNITION	206,989	206,989
7	B61	35,634	35,634
	OTHER ITEMS		
9	CAD/PAD	47,830	47,830
10	EXPLOSIVE ORDNANCE DISPOSAL (EOD)	6,232	6,232
11	SPARES AND REPAIR PARTS	542	542
12	MODIFICATIONS	1,310	1,310
13	ITEMS LESS THAN $5,000,000	4,753	4,753
	FLARES		
15	FLARES	40,088	40,088
	FUZES		
16	FUZES	40,983	40,983
	SMALL ARMS		
17	SMALL ARMS	13,925	13,925
	TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE	**596,338**	**596,338**
	OTHER PROCUREMENT, AIR FORCE		
	PASSENGER CARRYING VEHICLES		
1	PASSENGER CARRYING VEHICLES	9,016	9,016
	CARGO AND UTILITY VEHICLES		
2	MEDIUM TACTICAL VEHICLE	15,058	15,058
3	CAP VEHICLES	1,059	1,059
4	CARGO AND UTILITY VEHICLES	38,920	38,920
	SPECIAL PURPOSE VEHICLES		
5	JOINT LIGHT TACTICAL VEHICLE	30,544	30,544
6	SECURITY AND TACTICAL VEHICLES	319	319
7	SPECIAL PURPOSE VEHICLES	43,157	43,157

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Senate Authorized
	FIRE FIGHTING EQUIPMENT		
8	FIRE FIGHTING/CRASH RESCUE VEHICLES	8,621	8,621
	MATERIALS HANDLING EQUIPMENT		
9	MATERIALS HANDLING VEHICLES	12,897	12,897
	BASE MAINTENANCE SUPPORT		
10	RUNWAY SNOW REMOV AND CLEANING EQU	3,577	3,577
11	BASE MAINTENANCE SUPPORT VEHICLES	43,095	43,095
	COMM SECURITY EQUIPMENT(COMSEC)		
13	COMSEC EQUIPMENT	54,864	54,864
	INTELLIGENCE PROGRAMS		
14	INTERNATIONAL INTEL TECH & ARCHITECTURES	9,283	10,783
	PDI: Mission Partner Environment BICES-X local upgrades		[1,500]
15	INTELLIGENCE TRAINING EQUIPMENT	6,849	6,849
16	INTELLIGENCE COMM EQUIPMENT	33,471	33,471
	ELECTRONICS PROGRAMS		
17	AIR TRAFFIC CONTROL & LANDING SYS	29,409	29,409
18	BATTLE CONTROL SYSTEM—FIXED	7,909	7,909
19	THEATER AIR CONTROL SYS IMPROVEMEN	32,632	32,632
20	WEATHER OBSERVATION FORECAST	33,021	33,021
21	STRATEGIC COMMAND AND CONTROL	31,353	31,353
22	CHEYENNE MOUNTAIN COMPLEX	10,314	10,314
23	MISSION PLANNING SYSTEMS	15,132	15,132
25	INTEGRATED STRAT PLAN & ANALY NETWORK (ISPAN)	9,806	9,806
	SPCL COMM-ELECTRONICS PROJECTS		
26	GENERAL INFORMATION TECHNOLOGY	39,887	39,887
27	AF GLOBAL COMMAND & CONTROL SYS	2,602	2,602
29	MOBILITY COMMAND AND CONTROL	10,541	10,541
30	AIR FORCE PHYSICAL SECURITY SYSTEM	96,277	96,277
31	COMBAT TRAINING RANGES	195,185	195,185
32	MINIMUM ESSENTIAL EMERGENCY COMM N	29,664	29,664
33	WIDE AREA SURVEILLANCE (WAS)	59,633	59,633
34	C3 COUNTERMEASURES	105,584	105,584
36	DEFENSE ENTERPRISE ACCOUNTING & MGT SYS	899	899
38	THEATER BATTLE MGT C2 SYSTEM	3,392	3,392
39	AIR & SPACE OPERATIONS CENTER (AOC)	24,983	24,983
	AIR FORCE COMMUNICATIONS		
41	BASE INFORMATION TRANSPT INFRAST (BITI) WIRED	19,147	19,147
42	AFNET	84,515	84,515
43	JOINT COMMUNICATIONS SUPPORT ELEMENT (JCSE)	6,185	6,185
44	USCENTCOM	19,649	19,649
45	USSTRATCOM	4,337	4,337
	ORGANIZATION AND BASE		
46	TACTICAL C-E EQUIPMENT	137,033	137,033
47	RADIO EQUIPMENT	15,264	15,264
49	BASE COMM INFRASTRUCTURE	132,281	146,281
	PDI: Mission Partner Environment PACNET		[14,000]
	MODIFICATIONS		
50	COMM ELECT MODS	21,471	21,471
	PERSONAL SAFETY & RESCUE EQUIP		
51	PERSONAL SAFETY AND RESCUE EQUIPMENT	49,578	49,578
	DEPOT PLANT+MTRLS HANDLING EQ		
52	POWER CONDITIONING EQUIPMENT	11,454	11,454
53	MECHANIZED MATERIAL HANDLING EQUIP	12,110	12,110
	BASE SUPPORT EQUIPMENT		
54	BASE PROCURED EQUIPMENT	21,142	21,142
55	ENGINEERING AND EOD EQUIPMENT	7,700	7,700
56	MOBILITY EQUIPMENT	18,266	22,966
	Insulation system for Air Force shelters		[4,700]
57	FUELS SUPPORT EQUIPMENT (FSE)	9,601	9,601
58	BASE MAINTENANCE AND SUPPORT EQUIPMENT	42,078	42,078
	SPECIAL SUPPORT PROJECTS		
60	DARP RC135	27,164	27,164
61	DCGS-AF	121,528	121,528
63	SPECIAL UPDATE PROGRAM	782,641	782,641
	CLASSIFIED PROGRAMS		
9999	CLASSIFIED PROGRAMS	21,086,112	21,086,112
	SPARES AND REPAIR PARTS		
64	SPARES AND REPAIR PARTS (CYBER)	1,664	1,664
65	SPARES AND REPAIR PARTS	15,847	15,847
	TOTAL OTHER PROCUREMENT, AIR FORCE	**23,695,720**	**23,715,920**
	PROCUREMENT, DEFENSE-WIDE		
	MAJOR EQUIPMENT, DCMA		
2	MAJOR EQUIPMENT	1,398	1,398
	MAJOR EQUIPMENT, DCSA		
3	MAJOR EQUIPMENT	2,212	2,212
	MAJOR EQUIPMENT, DHRA		
5	PERSONNEL ADMINISTRATION	4,213	4,213
	MAJOR EQUIPMENT, DISA		
11	INFORMATION SYSTEMS SECURITY	17,211	17,211
12	TELEPORT PROGRAM	29,841	29,841
13	JOINT FORCES HEADQUARTERS—DODIN	3,091	3,091

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Senate Authorized
14	ITEMS LESS THAN $5 MILLION	41,569	41,569
16	DEFENSE INFORMATION SYSTEM NETWORK	26,978	26,978
17	WHITE HOUSE COMMUNICATION AGENCY	44,161	44,161
18	SENIOR LEADERSHIP ENTERPRISE	35,935	35,935
19	JOINT REGIONAL SECURITY STACKS (JRSS)	88,741	77,641
	JRSS SIPR funding		[–11,100]
20	JOINT SERVICE PROVIDER	157,538	157,538
21	FOURTH ESTATE NETWORK OPTIMIZATION (4ENO)	42,084	42,084
	MAJOR EQUIPMENT, DLA		
23	MAJOR EQUIPMENT	417,459	417,459
	MAJOR EQUIPMENT, DMACT		
24	MAJOR EQUIPMENT	7,993	7,993
	MAJOR EQUIPMENT, DODEA		
25	AUTOMATION/EDUCATIONAL SUPPORT & LOGISTICS	1,319	1,319
	MAJOR EQUIPMENT, DPAA		
26	MAJOR EQUIPMENT, DPAA	500	500
	MAJOR EQUIPMENT, DEFENSE SECURITY COOPERATION AGENCY		
27	REGIONAL CENTER PROCUREMENT	1,598	1,598
	MAJOR EQUIPMENT, DEFENSE THREAT REDUCTION AGENCY		
28	VEHICLES	215	215
29	OTHER MAJOR EQUIPMENT	9,994	9,994
	MAJOR EQUIPMENT, MISSILE DEFENSE AGENCY		
31	THAAD	495,396	601,796
	8th THAAD battery components		[76,300]
	HEMTT life-of-type buy		[30,100]
34	AEGIS BMD	356,195	356,195
35	AEGIS BMD AP	44,901	44,901
36	BMDS AN/TPY–2 RADARS	0	243,300
	8th THAAD battery radar equipment		[243,300]
37	SM–3 IIAS	218,322	346,322
	Additional SM–3 Block IIA interceptors		[128,000]
38	ARROW 3 UPPER TIER SYSTEMS	77,000	77,000
39	SHORT RANGE BALLISTIC MISSILE DEFENSE (SRBMD)	50,000	50,000
40	AEGIS ASHORE PHASE III	39,114	39,114
41	IRON DOME	73,000	73,000
42	AEGIS BMD HARDWARE AND SOFTWARE	104,241	104,241
	MAJOR EQUIPMENT, NSA		
48	INFORMATION SYSTEMS SECURITY PROGRAM (ISSP)	101	101
	MAJOR EQUIPMENT, OSD		
49	MAJOR EQUIPMENT, OSD	3,099	3,099
	MAJOR EQUIPMENT, TJS		
50	MAJOR EQUIPMENT, TJS	8,329	8,329
51	MAJOR EQUIPMENT—TJS CYBER	1,247	1,247
	MAJOR EQUIPMENT, WHS		
53	MAJOR EQUIPMENT, WHS	515	515
	CLASSIFIED PROGRAMS		
9999	CLASSIFIED PROGRAMS	554,264	554,264
	AVIATION PROGRAMS		
55	ARMED OVERWATCH/TARGETING	101,000	0
	Lack of validated requirement and analysis		[–101,000]
56	MANNED ISR	0	40,100
	SOCOM DHC–8 combat loss replacement		[40,100]
59	ROTARY WING UPGRADES AND SUSTAINMENT	211,041	211,041
60	UNMANNED ISR	25,488	25,488
61	NON-STANDARD AVIATION	61,874	61,874
62	U–28	3,825	28,525
	SOCOM aircraft maintenance support combat loss replacement		[24,700]
63	MH–47 CHINOOK	135,482	135,482
64	CV–22 MODIFICATION	14,829	14,829
65	MQ–9 UNMANNED AERIAL VEHICLE	6,746	6,746
66	PRECISION STRIKE PACKAGE	243,111	243,111
67	AC/MC–130J	163,914	163,914
68	C–130 MODIFICATIONS	20,414	20,414
	SHIPBUILDING		
69	UNDERWATER SYSTEMS	20,556	20,556
	AMMUNITION PROGRAMS		
70	ORDNANCE ITEMS <$5M	186,197	186,197
	OTHER PROCUREMENT PROGRAMS		
71	INTELLIGENCE SYSTEMS	94,982	108,382
	Transfer from MMP-Light to man-pack		[13,400]
72	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	11,645	11,645
73	OTHER ITEMS <$5M	96,333	96,333
74	COMBATANT CRAFT SYSTEMS	17,278	17,278
75	SPECIAL PROGRAMS	78,865	78,865
76	TACTICAL VEHICLES	30,158	30,158
77	WARRIOR SYSTEMS <$5M	260,733	248,533
	MMP-Light unexecutable, transfer to man-pack		[–12,200]
78	COMBAT MISSION REQUIREMENTS	19,848	19,848
79	GLOBAL VIDEO SURVEILLANCE ACTIVITIES	2,401	2,401
80	OPERATIONAL ENHANCEMENTS INTELLIGENCE	13,861	13,861
81	OPERATIONAL ENHANCEMENTS	247,038	259,538
	SOCOM Syria exfiltration reconsitution		[12,500]

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Senate Authorized
	CBDP		
82	CHEMICAL BIOLOGICAL SITUATIONAL AWARENESS	147,150	147,150
83	CB PROTECTION & HAZARD MITIGATION	149,944	149,944
	TOTAL PROCUREMENT, DEFENSE-WIDE	**5,324,487**	**5,768,587**
	TOTAL PROCUREMENT	**130,684,160**	**134,014,838**

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Senate Authorized
	AIRCRAFT PROCUREMENT, ARMY		
	ROTARY		
9	AH–64 APACHE BLOCK IIIB NEW BUILD	69,154	69,154
14	CH–47 HELICOPTER	50,472	50,472
	MODIFICATION OF AIRCRAFT		
17	MQ–1 PAYLOAD (MIP)	5,968	5,968
20	MULTI SENSOR ABN RECON (MIP)	122,520	122,520
25	EMARSS SEMA MODS (MIP)	26,460	26,460
30	DEGRADED VISUAL ENVIRONMENT	1,916	1,916
	GROUND SUPPORT AVIONICS		
37	CMWS	149,162	149,162
38	COMMON INFRARED COUNTERMEASURES (CIRCM)	32,400	32,400
	OTHER SUPPORT		
41	AIRCREW INTEGRATED SYSTEMS	3,028	3,028
	TOTAL AIRCRAFT PROCUREMENT, ARMY	**461,080**	**461,080**
	MISSILE PROCUREMENT, ARMY		
	SURFACE-TO-AIR MISSILE SYSTEM		
2	M-SHORAD—PROCUREMENT	158,300	158,300
3	MSE MISSILE	176,585	0
	Inappropriate for EDI, transfer to base		[–176,585]
	AIR-TO-SURFACE MISSILE SYSTEM		
6	HELLFIRE SYS SUMMARY	236,265	236,265
	ANTI-TANK/ASSAULT MISSILE SYS		
11	GUIDED MLRS ROCKET (GMLRS)	127,015	127,015
15	LETHAL MINIATURE AERIAL MISSILE SYSTEM (LMAMS	84,993	84,993
	MODIFICATIONS		
17	ATACMS MODS	78,434	78,434
22	MLRS MODS	20,000	20,000
	TOTAL MISSILE PROCUREMENT, ARMY	**881,592**	**705,007**
	PROCUREMENT OF W&TCV, ARMY		
	WEAPONS & OTHER COMBAT VEHICLES		
16	MULTI-ROLE ANTI-ARMOR ANTI-PERSONNEL WEAPON S	4,765	4,765
18	MORTAR SYSTEMS	10,460	10,460
	TOTAL PROCUREMENT OF W&TCV, ARMY	**15,225**	**15,225**
	PROCUREMENT OF AMMUNITION, ARMY		
	SMALL/MEDIUM CAL AMMUNITION		
1	CTG, 5.56MM, ALL TYPES	567	567
2	CTG, 7.62MM, ALL TYPES	40	40
4	CTG, HANDGUN, ALL TYPES	17	17
5	CTG, .50 CAL, ALL TYPES	189	189
8	CTG, 30MM, ALL TYPES	24,900	24,900
	ARTILLERY AMMUNITION		
16	PROJ 155MM EXTENDED RANGE M982	29,213	29,213
17	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL	21,675	21,675
	ROCKETS		
20	SHOULDER LAUNCHED MUNITIONS, ALL TYPES	176	176
21	ROCKET, HYDRA 70, ALL TYPES	33,880	33,880
	MISCELLANEOUS		
29	ITEMS LESS THAN $5 MILLION (AMMO)	11	11
	TOTAL PROCUREMENT OF AMMUNITION, ARMY	**110,668**	**110,668**
	OTHER PROCUREMENT, ARMY		
	TACTICAL VEHICLES		
13	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	6,500	6,500
14	PLS ESP	15,163	15,163
17	TACTICAL WHEELED VEHICLE PROTECTION KITS	27,066	27,066
	COMM—SATELLITE COMMUNICATIONS		
30	TRANSPORTABLE TACTICAL COMMAND COMMUNICATIONS	2,700	2,700
32	ASSURED POSITIONING, NAVIGATION AND TIMING	12,566	12,566
33	SMART-T (SPACE)	289	289
34	GLOBAL BRDCST SVC—GBS	319	319
	COMM—COMBAT COMMUNICATIONS		
45	FAMILY OF MED COMM FOR COMBAT CASUALTY CARE	1,257	1,257

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Senate Authorized
	COMM—INTELLIGENCE COMM		
48	CI AUTOMATION ARCHITECTURE (MIP)	1,230	1,230
	INFORMATION SECURITY		
52	COMMUNICATIONS SECURITY (COMSEC)	128	128
	COMM—BASE COMMUNICATIONS		
58	INFORMATION SYSTEMS	15,277	15,277
62	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM	74,004	80,004
	EDI: NATO Response Force (NRF) networks		[6,000]
	ELECT EQUIP—TACT INT REL ACT (TIARA)		
68	DCGS-A (MIP)	47,709	47,709
70	TROJAN (MIP)	1,766	1,766
71	MOD OF IN-SVC EQUIP (INTEL SPT) (MIP)	61,450	61,450
73	BIOMETRIC TACTICAL COLLECTION DEVICES (MIP)	12,337	12,337
	ELECT EQUIP—ELECTRONIC WARFARE (EW)		
80	FAMILY OF PERSISTENT SURVEILLANCE CAP. (MIP)	44,293	44,293
81	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES	49,100	49,100
	ELECT EQUIP—TACTICAL SURV. (TAC SURV)		
83	SENTINEL MODS	33,496	33,496
84	NIGHT VISION DEVICES	643	643
87	RADIATION MONITORING SYSTEMS	11	11
88	INDIRECT FIRE PROTECTION FAMILY OF SYSTEMS	37,000	37,000
94	COMPUTER BALLISTICS: LHMBC XM32	280	280
95	MORTAR FIRE CONTROL SYSTEM	13,672	13,672
	ELECT EQUIP—TACTICAL C2 SYSTEMS		
100	AIR & MSL DEFENSE PLANNING & CONTROL SYS	15,143	15,143
	ELECT EQUIP—AUTOMATION		
109	ARMY TRAINING MODERNIZATION	4,688	4,688
110	AUTOMATED DATA PROCESSING EQUIP	16,552	16,552
	CHEMICAL DEFENSIVE EQUIPMENT		
121	FAMILY OF NON-LETHAL EQUIPMENT (FNLE)	25,480	25,480
122	BASE DEFENSE SYSTEMS (BDS)	98,960	98,960
123	CBRN DEFENSE	18,887	18,887
	BRIDGING EQUIPMENT		
125	TACTICAL BRIDGING	50,400	50,400
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT		
137	RENDER SAFE SETS KITS OUTFITS	84,000	84,000
	COMBAT SERVICE SUPPORT EQUIPMENT		
140	HEATERS AND ECU'S	370	370
142	PERSONNEL RECOVERY SUPPORT SYSTEM (PRSS)	3,721	3,721
145	FORCE PROVIDER	56,400	129,800
	EDI: Improvements to living quarters for rotational forces in Europe		[73,400]
146	FIELD FEEDING EQUIPMENT	2,279	2,279
147	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM	2,040	2,040
	PETROLEUM EQUIPMENT		
150	DISTRIBUTION SYSTEMS, PETROLEUM & WATER	4,374	4,374
	MEDICAL EQUIPMENT		
151	COMBAT SUPPORT MEDICAL	6,390	6,390
	MAINTENANCE EQUIPMENT		
152	MOBILE MAINTENANCE EQUIPMENT SYSTEMS	7,769	7,769
153	ITEMS LESS THAN $5.0M (MAINT EQ)	184	184
	CONSTRUCTION EQUIPMENT		
156	LOADERS	3,190	3,190
157	HYDRAULIC EXCAVATOR	7,600	7,600
158	TRACTOR, FULL TRACKED	7,450	7,450
160	HIGH MOBILITY ENGINEER EXCAVATOR (HMEE)	3,703	3,703
162	CONST EQUIP ESP	657	657
	GENERATORS		
167	GENERATORS AND ASSOCIATED EQUIP	106	106
	MATERIAL HANDLING EQUIPMENT		
169	FAMILY OF FORKLIFTS	1,885	1,885
	OTHER SUPPORT EQUIPMENT		
180	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT	8,500	8,500
181	PHYSICAL SECURITY SYSTEMS (OPA3)	3,248	3,248
185	BUILDING, PRE-FAB, RELOCATABLE	31,845	31,845
	TOTAL OTHER PROCUREMENT, ARMY	**924,077**	**1,003,477**
	AIRCRAFT PROCUREMENT, NAVY		
	OTHER AIRCRAFT		
24	STUASL0 UAV	7,921	7,921
	MODIFICATION OF AIRCRAFT		
53	COMMON ECM EQUIPMENT	3,474	3,474
55	COMMON DEFENSIVE WEAPON SYSTEM	3,339	3,339
64	QRC	18,507	18,507
	TOTAL AIRCRAFT PROCUREMENT, NAVY	**33,241**	**33,241**
	WEAPONS PROCUREMENT, NAVY		
	TACTICAL MISSILES		
12	HELLFIRE	5,572	5,572
	TOTAL WEAPONS PROCUREMENT, NAVY	**5,572**	**5,572**
	PROCUREMENT OF AMMO, NAVY & MC		
	NAVY AMMUNITION		

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Senate Authorized
1	GENERAL PURPOSE BOMBS	8,068	8,068
2	JDAM	15,529	15,529
3	AIRBORNE ROCKETS, ALL TYPES	23,000	23,000
4	MACHINE GUN AMMUNITION	22,600	22,600
6	CARTRIDGES & CART ACTUATED DEVICES	3,927	3,927
7	AIR EXPENDABLE COUNTERMEASURES	15,978	15,978
8	JATOS	2,100	2,100
11	OTHER SHIP GUN AMMUNITION	2,611	2,611
12	SMALL ARMS & LANDING PARTY AMMO	1,624	1,624
13	PYROTECHNIC AND DEMOLITION	505	505
	TOTAL PROCUREMENT OF AMMO, NAVY & MC	**95,942**	**95,942**
	OTHER PROCUREMENT, NAVY		
	SMALL BOATS		
28	STANDARD BOATS	19,104	19,104
	OTHER SHIP SUPPORT		
35	SMALL & MEDIUM UUV	2,946	2,946
	ASW ELECTRONIC EQUIPMENT		
43	FIXED SURVEILLANCE SYSTEM	213,000	213,000
	SONOBUOYS		
92	SONOBUOYS—ALL TYPES	26,196	26,196
	AIRCRAFT SUPPORT EQUIPMENT		
95	AIRCRAFT SUPPORT EQUIPMENT	60,217	60,217
	OTHER ORDNANCE SUPPORT EQUIPMENT		
110	EXPLOSIVE ORDNANCE DISPOSAL EQUIP	2,124	2,124
	CIVIL ENGINEERING SUPPORT EQUIPMENT		
115	PASSENGER CARRYING VEHICLES	177	177
116	GENERAL PURPOSE TRUCKS	416	416
118	FIRE FIGHTING EQUIPMENT	801	801
	SUPPLY SUPPORT EQUIPMENT		
125	FIRST DESTINATION TRANSPORTATION	520	520
	TRAINING DEVICES		
128	TRAINING AND EDUCATION EQUIPMENT	11,500	11,500
	COMMAND SUPPORT EQUIPMENT		
130	MEDICAL SUPPORT EQUIPMENT	3,525	3,525
136	PHYSICAL SECURITY EQUIPMENT	3,000	3,000
	TOTAL OTHER PROCUREMENT, NAVY	**343,526**	**343,526**
	PROCUREMENT, MARINE CORPS		
	GUIDED MISSILES		
12	GUIDED MLRS ROCKET (GMLRS)	17,456	17,456
	OTHER SUPPORT (TEL)		
15	MODIFICATION KITS	4,200	4,200
	INTELL/COMM EQUIPMENT (NON-TEL)		
22	INTELLIGENCE SUPPORT EQUIPMENT	10,124	10,124
	TACTICAL VEHICLES		
38	MOTOR TRANSPORT MODIFICATIONS	16,183	16,183
	TOTAL PROCUREMENT, MARINE CORPS	**47,963**	**47,963**
	AIRCRAFT PROCUREMENT, AIR FORCE		
	HELICOPTERS		
13	COMBAT RESCUE HELICOPTER	174,000	174,000
	OTHER AIRCRAFT		
20	MQ–9	142,490	142,490
21	RQ–20B PUMA	13,770	13,770
	STRATEGIC AIRCRAFT		
26	LARGE AIRCRAFT INFRARED COUNTERMEASURES	57,521	57,521
	OTHER AIRCRAFT		
46	U–2 MODS	9,600	9,600
55	COMPASS CALL	12,800	12,800
66	HC/MC–130 MODIFICATIONS	58,020	58,020
69	MQ–9 UAS PAYLOADS	46,100	46,100
70	CV–22 MODS	6,290	6,290
	AIRCRAFT SPARES AND REPAIR PARTS		
71	INITIAL SPARES/REPAIR PARTS	10,700	10,700
72	MQ–9	12,250	12,250
	COMMON SUPPORT EQUIPMENT		
73	AIRCRAFT REPLACEMENT SUPPORT EQUIP	25,614	25,614
	TOTAL AIRCRAFT PROCUREMENT, AIR FORCE	**569,155**	**569,155**
	MISSILE PROCUREMENT, AIR FORCE		
	TACTICAL		
4	JOINT AIR-SURFACE STANDOFF MISSILE	30,000	30,000
8	PREDATOR HELLFIRE MISSILE	143,420	143,420
9	SMALL DIAMETER BOMB	50,352	50,352
	TOTAL MISSILE PROCUREMENT, AIR FORCE	**223,772**	**223,772**
	PROCUREMENT OF AMMUNITION, AIR FORCE		
	ROCKETS		
1	ROCKETS	19,489	19,489
	CARTRIDGES		
2	CARTRIDGES	40,434	40,434

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Senate Authorized
	BOMBS		
4	GENERAL PURPOSE BOMBS	369,566	369,566
6	JOINT DIRECT ATTACK MUNITION	237,723	237,723
	FLARES		
15	FLARES	21,171	21,171
	FUZES		
16	FUZES	107,855	107,855
	SMALL ARMS		
17	SMALL ARMS	6,217	6,217
	TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE	**802,455**	**802,455**
	OTHER PROCUREMENT, AIR FORCE		
	PASSENGER CARRYING VEHICLES		
1	PASSENGER CARRYING VEHICLES	1,302	1,302
	CARGO AND UTILITY VEHICLES		
2	MEDIUM TACTICAL VEHICLE	3,400	3,400
4	CARGO AND UTILITY VEHICLES	12,475	12,475
	SPECIAL PURPOSE VEHICLES		
5	JOINT LIGHT TACTICAL VEHICLE	26,150	26,150
7	SPECIAL PURPOSE VEHICLES	51,254	51,254
	FIRE FIGHTING EQUIPMENT		
8	FIRE FIGHTING/CRASH RESCUE VEHICLES	24,903	24,903
	MATERIALS HANDLING EQUIPMENT		
9	MATERIALS HANDLING VEHICLES	14,167	14,167
	BASE MAINTENANCE SUPPORT		
10	RUNWAY SNOW REMOV AND CLEANING EQU	5,759	5,759
11	BASE MAINTENANCE SUPPORT VEHICLES	20,653	20,653
	SPCL COMM-ELECTRONICS PROJECTS		
26	GENERAL INFORMATION TECHNOLOGY	5,100	5,100
30	AIR FORCE PHYSICAL SECURITY SYSTEM	56,496	56,496
	ORGANIZATION AND BASE		
49	BASE COMM INFRASTRUCTURE	30,717	30,717
	BASE SUPPORT EQUIPMENT		
55	ENGINEERING AND EOD EQUIPMENT	13,172	13,172
56	MOBILITY EQUIPMENT	33,694	33,694
57	FUELS SUPPORT EQUIPMENT (FSE)	1,777	1,777
58	BASE MAINTENANCE AND SUPPORT EQUIPMENT	31,620	31,620
	SPECIAL SUPPORT PROJECTS		
61	DCGS-AF	18,700	18,700
	SPARES AND REPAIR PARTS		
65	SPARES AND REPAIR PARTS	4,000	4,000
	TOTAL OTHER PROCUREMENT, AIR FORCE	**355,339**	**355,339**
	PROCUREMENT, DEFENSE-WIDE		
	MAJOR EQUIPMENT, DISA		
16	DEFENSE INFORMATION SYSTEM NETWORK	6,120	6,120
	MAJOR EQUIPMENT, DEFENSE THREAT REDUCTION AGENCY		
30	COUNTER IMPROVISED THREAT TECHNOLOGIES	2,540	2,540
	CLASSIFIED PROGRAMS	3,500	3,500
	CLASSIFIED PROGRAMS		
	AVIATION PROGRAMS		
56	MANNED ISR	5,000	5,000
57	MC–12	5,000	5,000
60	UNMANNED ISR	8,207	8,207
	AMMUNITION PROGRAMS		
70	ORDNANCE ITEMS <$5M	105,355	105,355
	OTHER PROCUREMENT PROGRAMS		
71	INTELLIGENCE SYSTEMS	16,234	16,234
73	OTHER ITEMS <$5M	984	984
76	TACTICAL VEHICLES	2,990	2,990
77	WARRIOR SYSTEMS <$5M	32,573	32,573
78	COMBAT MISSION REQUIREMENTS	10,000	10,000
80	OPERATIONAL ENHANCEMENTS INTELLIGENCE	6,724	6,724
81	OPERATIONAL ENHANCEMENTS	53,264	53,264
	TOTAL PROCUREMENT, DEFENSE-WIDE	**258,491**	**258,491**
	TOTAL PROCUREMENT	**5,128,098**	**5,030,913**

TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2021 Request	Senate Authorized
		RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY		

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2021 Request	Senate Authorized
		BASIC RESEARCH		
2	0601102A	DEFENSE RESEARCH SCIENCES	303,257	315,257
		AI human performance optimization		[2,000]
		Increase in basic research		[10,000]
3	0601103A	UNIVERSITY RESEARCH INITIATIVES	67,148	67,148
4	0601104A	UNIVERSITY AND INDUSTRY RESEARCH CENTERS	87,877	87,877
5	0601121A	CYBER COLLABORATIVE RESEARCH ALLIANCE	5,077	5,077
		SUBTOTAL BASIC RESEARCH	**463,359**	**475,359**
		APPLIED RESEARCH		
7	0602115A	BIOMEDICAL TECHNOLOGY	11,835	15,835
		Pandemic vaccine response		[4,000]
11	0602134A	COUNTER IMPROVISED-THREAT ADVANCED STUDIES	2,000	2,000
12	0602141A	LETHALITY TECHNOLOGY	42,425	45,425
		Hybrid additive manufacturing		[3,000]
13	0602142A	ARMY APPLIED RESEARCH	30,757	33,757
		Pathfinder Air Assault		[3,000]
14	0602143A	SOLDIER LETHALITY TECHNOLOGY	125,435	135,935
		Harnessing Emerging Research Opportunities to Empower Soldiers Program		[2,500]
		Metal-based display technologies		[3,000]
		Pathfinder Airborne		[5,000]
15	0602144A	GROUND TECHNOLOGY	28,047	30,047
		Ground technology advanced manufacturing, materials and process initiative		[2,000]
16	0602145A	NEXT GENERATION COMBAT VEHICLE TECHNOLOGY	217,565	227,565
		Ground combat vehicle platform electrification		[2,000]
		Immersive virtual modeling and simulation techniques		[5,000]
		Next Generation Combat Vehicle modeling and simulation		[3,000]
17	0602146A	NETWORK C3I TECHNOLOGY	114,404	126,404
		Backpackable Communications Intelligence System		[5,000]
		Defense resiliency platform against extreme cold weather		[3,000]
		Multi-drone multi-sensor ISR capability		[2,000]
		Quantum computing base materials optimization		[2,000]
18	0602147A	LONG RANGE PRECISION FIRES TECHNOLOGY	60,553	67,553
		Composite artillery tube and propulsion prototyping		[7,000]
19	0602148A	FUTURE VERTICLE LIFT TECHNOLOGY	96,484	96,484
20	0602150A	AIR AND MISSILE DEFENSE TECHNOLOGY	56,298	66,298
		Counter unmanned aerial systems threat R&D		[5,000]
		Counter unmanned aircraft systems research		[5,000]
22	0602213A	C3I APPLIED CYBER	18,816	18,816
40	0602785A	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY	20,766	20,766
42	0602787A	MEDICAL TECHNOLOGY	95,496	97,496
		Research for coronavirus vaccine		[2,000]
		SUBTOTAL APPLIED RESEARCH	**920,881**	**984,381**
		ADVANCED TECHNOLOGY DEVELOPMENT		
44	0603002A	MEDICAL ADVANCED TECHNOLOGY	38,896	38,896
49	0603007A	MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY	11,659	11,659
52	0603115A	MEDICAL DEVELOPMENT	27,723	27,723
53	0603117A	ARMY ADVANCED TECHNOLOGY DEVELOPMENT	62,663	62,663
54	0603118A	SOLDIER LETHALITY ADVANCED TECHNOLOGY	109,608	111,608
		3D advanced manufacturing		[2,000]
55	0603119A	GROUND ADVANCED TECHNOLOGY	14,795	20,795
		Cybersecurity for industrial control systems and building automation		[3,000]
		Graphene applications for military engineering		[3,000]
59	0603134A	COUNTER IMPROVISED-THREAT SIMULATION	25,000	25,000
63	0603457A	C3I CYBER ADVANCED DEVELOPMENT	23,357	23,357
64	0603461A	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM	188,024	193,024
		High performance computing modernization		[5,000]
65	0603462A	NEXT GENERATION COMBAT VEHICLE ADVANCED TECHNOLOGY	199,358	226,858
		Carbon fiber and graphitic composites		[10,000]
		Cyber and connected vehicle innovation research		[5,000]
		Small unit ground robotic capabilities		[7,500]
		Virtual experimentations enhancement		[5,000]
66	0603463A	NETWORK C3I ADVANCED TECHNOLOGY	158,608	158,608
67	0603464A	LONG RANGE PRECISION FIRES ADVANCED TECHNOLOGY	121,060	124,060
		Hyper velocity projectile—extended range technologies		[3,000]
68	0603465A	FUTURE VERTICAL LIFT ADVANCED TECHNOLOGY	156,194	156,194
69	0603466A	AIR AND MISSILE DEFENSE ADVANCED TECHNOLOGY	58,130	73,630
		Electromagnetic effects research to support fires and AMD CFTs		[5,000]
		High-energy laser system characterization lab		[10,500]
77	0603920A	HUMANITARIAN DEMINING	8,515	8,515
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT	**1,203,590**	**1,262,590**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
78	0603305A	ARMY MISSLE DEFENSE SYSTEMS INTEGRATION	11,062	14,062
		Hypersonic hot air tunnel test environment		[3,000]
79	0603308A	ARMY SPACE SYSTEMS INTEGRATION	26,230	26,230
80	0603327A	AIR AND MISSILE DEFENSE SYSTEMS ENGINEERING	26,482	26,482
81	0603619A	LANDMINE WARFARE AND BARRIER—ADV DEV	64,092	64,092
83	0603639A	TANK AND MEDIUM CALIBER AMMUNITION	92,753	92,753
84	0603645A	ARMORED SYSTEM MODERNIZATION—ADV DEV	151,478	151,478
85	0603747A	SOLDIER SUPPORT AND SURVIVABILITY	5,841	5,841

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2021 Request	Senate Authorized
86	0603766A	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM—ADV DEV	194,775	194,775
87	0603774A	NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT	24,316	24,316
88	0603779A	ENVIRONMENTAL QUALITY TECHNOLOGY—DEM/VAL	13,387	13,387
89	0603790A	NATO RESEARCH AND DEVELOPMENT	4,762	4,762
90	0603801A	AVIATION—ADV DEV	647,937	652,937
		Future Long Range Assault Aircraft (FLRAA)		[5,000]
91	0603804A	LOGISTICS AND ENGINEER EQUIPMENT—ADV DEV	4,761	4,761
92	0603807A	MEDICAL SYSTEMS—ADV DEV	28,520	28,520
93	0603827A	SOLDIER SYSTEMS—ADVANCED DEVELOPMENT	26,138	26,138
94	0604017A	ROBOTICS DEVELOPMENT	121,207	121,207
96	0604021A	ELECTRONIC WARFARE TECHNOLOGY MATURATION (MIP)	22,840	22,840
97	0604035A	LOW EARTH ORBIT (LEO) SATELLITE CAPABILITY	22,678	22,678
98	0604100A	ANALYSIS OF ALTERNATIVES	10,082	10,082
99	0604101A	SMALL UNMANNED AERIAL VEHICLE (SUAV) (6.4)	1,378	1,378
100	0604113A	FUTURE TACTICAL UNMANNED AIRCRAFT SYSTEM (FTUAS)	40,083	40,083
101	0604114A	LOWER TIER AIR MISSILE DEFENSE (LTAMD) SENSOR	376,373	376,373
102	0604115A	TECHNOLOGY MATURATION INITIATIVES	156,834	146,834
		OpFires lack of transition pathway		[–10,000]
103	0604117A	MANEUVER—SHORT RANGE AIR DEFENSE (M-SHORAD)	4,995	4,995
105	0604119A	ARMY ADVANCED COMPONENT DEVELOPMENT & PROTOTYPING	170,490	170,490
106	0604120A	ASSURED POSITIONING, NAVIGATION AND TIMING (PNT)	128,125	128,125
107	0604121A	SYNTHETIC TRAINING ENVIRONMENT REFINEMENT & PROTOTYPING	129,547	129,547
108	0604134A	COUNTER IMPROVISED-THREAT DEMONSTRATION, PROTOTYPE DEVELOPMENT, AND TESTING.	13,831	13,831
109	0604182A	HYPERSONICS	801,417	796,417
		Lack of hypersonic prototyping coordination		[–5,000]
111	0604403A	FUTURE INTERCEPTOR	7,992	7,992
112	0604541A	UNIFIED NETWORK TRANSPORT	40,677	40,677
115	0305251A	CYBERSPACE OPERATIONS FORCES AND FORCE SUPPORT	50,525	50,525
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	**3,421,608**	**3,414,608**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
118	0604201A	AIRCRAFT AVIONICS	2,764	2,764
119	0604270A	ELECTRONIC WARFARE DEVELOPMENT	62,426	62,426
121	0604601A	INFANTRY SUPPORT WEAPONS	91,574	91,574
122	0604604A	MEDIUM TACTICAL VEHICLES	8,523	8,523
123	0604611A	JAVELIN	7,493	7,493
124	0604622A	FAMILY OF HEAVY TACTICAL VEHICLES	24,792	24,792
125	0604633A	AIR TRAFFIC CONTROL	3,511	3,511
126	0604642A	LIGHT TACTICAL WHEELED VEHICLES	1,976	1,976
127	0604645A	ARMORED SYSTEMS MODERNIZATION (ASM)—ENG DEV	135,488	135,488
128	0604710A	NIGHT VISION SYSTEMS—ENG DEV	61,445	61,445
129	0604713A	COMBAT FEEDING, CLOTHING, AND EQUIPMENT	2,814	2,814
130	0604715A	NON-SYSTEM TRAINING DEVICES—ENG DEV	28,036	28,036
131	0604741A	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE—ENG DEV	43,651	83,651
		Joint Counter-UAS Office acceleration		[17,500]
		Joint Counter-UAS Office SOCOM advanced capabilities		[7,500]
		Joint Counter-UAS Office SOCOM demonstrations		[15,000]
132	0604742A	CONSTRUCTIVE SIMULATION SYSTEMS DEVELOPMENT	10,150	10,150
133	0604746A	AUTOMATIC TEST EQUIPMENT DEVELOPMENT	5,578	5,578
134	0604760A	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS)—ENG DEV	7,892	7,892
135	0604768A	BRILLIANT ANTI-ARMOR SUBMUNITION (BAT)	24,975	24,975
136	0604780A	COMBINED ARMS TACTICAL TRAINER (CATT) CORE	3,568	3,568
137	0604798A	BRIGADE ANALYSIS, INTEGRATION AND EVALUATION	19,268	19,268
138	0604802A	WEAPONS AND MUNITIONS—ENG DEV	265,811	266,611
		Increase NGSW soldier touchpoints		[800]
139	0604804A	LOGISTICS AND ENGINEER EQUIPMENT—ENG DEV	49,694	49,694
140	0604805A	COMMAND, CONTROL, COMMUNICATIONS SYSTEMS—ENG DEV	11,079	11,079
141	0604807A	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT—ENG DEV	49,870	49,870
142	0604808A	LANDMINE WARFARE/BARRIER—ENG DEV	9,589	9,589
143	0604818A	ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE	162,513	162,513
144	0604820A	RADAR DEVELOPMENT	109,259	109,259
145	0604822A	GENERAL FUND ENTERPRISE BUSINESS SYSTEM (GFEBS)	21,201	21,201
146	0604823A	FIREFINDER	20,008	20,008
147	0604827A	SOLDIER SYSTEMS—WARRIOR DEM/VAL	6,534	6,534
148	0604852A	SUITE OF SURVIVABILITY ENHANCEMENT SYSTEMS—EMD	82,459	129,459
		Bradley and Stryker APS		[47,000]
149	0604854A	ARTILLERY SYSTEMS—EMD	11,611	11,611
150	0605013A	INFORMATION TECHNOLOGY DEVELOPMENT	142,678	147,678
		Integrated data software pilot program		[5,000]
151	0605018A	INTEGRATED PERSONNEL AND PAY SYSTEM-ARMY (IPPS-A)	115,286	115,286
152	0605028A	ARMORED MULTI-PURPOSE VEHICLE (AMPV)	96,594	96,594
154	0605030A	JOINT TACTICAL NETWORK CENTER (JTNC)	16,264	16,264
155	0605031A	JOINT TACTICAL NETWORK (JTN)	31,696	31,696
157	0605033A	GROUND-BASED OPERATIONAL SURVEILLANCE SYSTEM—EXPEDITIONARY (GBOSS-E).	5,976	5,976
159	0605035A	COMMON INFRARED COUNTERMEASURES (CIRCM)	23,321	23,321
161	0605038A	NUCLEAR BIOLOGICAL CHEMICAL RECONNAISSANCE VEHICLE (NBCRV) SENSOR SUITE.	4,846	4,846
162	0605041A	DEFENSIVE CYBER TOOL DEVELOPMENT	28,544	16,544
		Army Cyber SU program		[–12,000]
163	0605042A	TACTICAL NETWORK RADIO SYSTEMS (LOW-TIER)	28,178	28,178

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2021 Request	Senate Authorized
164	0605047A	CONTRACT WRITING SYSTEM	22,860	22,860
166	0605051A	AIRCRAFT SURVIVABILITY DEVELOPMENT	35,893	35,893
167	0605052A	INDIRECT FIRE PROTECTION CAPABILITY INC 2—BLOCK 1	235,770	187,970
		Army-identified funding early to need		[–47,800]
168	0605053A	GROUND ROBOTICS	13,710	13,710
169	0605054A	EMERGING TECHNOLOGY INITIATIVES	294,739	294,739
170	0605145A	MEDICAL PRODUCTS AND SUPPORT SYSTEMS DEVELOPMENT	954	954
171	0605203A	ARMY SYSTEM DEVELOPMENT & DEMONSTRATION	150,201	150,201
172	0605205A	SMALL UNMANNED AERIAL VEHICLE (SUAV) (6.5)	5,999	5,999
174	0605450A	JOINT AIR-TO-GROUND MISSILE (JAGM)	8,891	8,891
175	0605457A	ARMY INTEGRATED AIR AND MISSILE DEFENSE (AIAMD)	193,929	193,929
176	0605625A	MANNED GROUND VEHICLE	327,732	247,732
		OMFV program reset		[–80,000]
177	0605766A	NATIONAL CAPABILITIES INTEGRATION (MIP)	7,670	7,670
178	0605812A	JOINT LIGHT TACTICAL VEHICLE (JLTV) ENGINEERING AND MANUFACTURING DEVELOPMENT PH.	1,742	1,742
179	0605830A	AVIATION GROUND SUPPORT EQUIPMENT	1,467	1,467
180	0303032A	TROJAN—RH12	3,451	3,451
183	0304270A	ELECTRONIC WARFARE DEVELOPMENT	55,855	55,855
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION	**3,199,798**	**3,152,798**
		MANAGEMENT SUPPORT		
185	0604256A	THREAT SIMULATOR DEVELOPMENT	14,515	14,515
186	0604258A	TARGET SYSTEMS DEVELOPMENT	10,668	10,668
187	0604759A	MAJOR T&E INVESTMENT	106,270	106,270
188	0605103A	RAND ARROYO CENTER	13,481	13,481
189	0605301A	ARMY KWAJALEIN ATOLL	231,824	231,824
190	0605326A	CONCEPTS EXPERIMENTATION PROGRAM	54,898	54,898
192	0605601A	ARMY TEST RANGES AND FACILITIES	350,359	365,359
		Program increase—Army directed energy T&E		[15,000]
193	0605602A	ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS	48,475	48,475
194	0605604A	SURVIVABILITY/LETHALITY ANALYSIS	36,001	36,001
195	0605606A	AIRCRAFT CERTIFICATION	2,736	2,736
196	0605702A	METEOROLOGICAL SUPPORT TO RDT&E ACTIVITIES	6,488	6,488
197	0605706A	MATERIEL SYSTEMS ANALYSIS	21,859	21,859
198	0605709A	EXPLOITATION OF FOREIGN ITEMS	7,936	7,936
199	0605712A	SUPPORT OF OPERATIONAL TESTING	54,470	54,470
200	0605716A	ARMY EVALUATION CENTER	63,141	63,141
201	0605718A	ARMY MODELING & SIM X-CMD COLLABORATION & INTEG	2,572	2,572
202	0605801A	PROGRAMWIDE ACTIVITIES	87,472	87,472
203	0605803A	TECHNICAL INFORMATION ACTIVITIES	26,244	26,244
204	0605805A	MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY	40,133	40,133
205	0605857A	ENVIRONMENTAL QUALITY TECHNOLOGY MGMT SUPPORT	1,780	1,780
206	0605898A	ARMY DIRECT REPORT HEADQUARTERS—R&D - MHA	55,045	55,045
208	0606002A	RONALD REAGAN BALLISTIC MISSILE DEFENSE TEST SITE	71,306	71,306
209	0606003A	COUNTERINTEL AND HUMAN INTEL MODERNIZATION	1,063	1,063
210	0606105A	MEDICAL PROGRAM-WIDE ACTIVITIES	19,891	19,891
211	0606942A	ASSESSMENTS AND EVALUATIONS CYBER VULNERABILITIES	4,496	4,496
		SUBTOTAL MANAGEMENT SUPPORT	**1,333,123**	**1,348,123**
		OPERATIONAL SYSTEMS DEVELOPMENT		
214	0603778A	MLRS PRODUCT IMPROVEMENT PROGRAM	10,157	10,157
216	0605024A	ANTI-TAMPER TECHNOLOGY SUPPORT	8,682	8,682
217	0607131A	WEAPONS AND MUNITIONS PRODUCT IMPROVEMENT PROGRAMS	20,409	20,409
219	0607134A	LONG RANGE PRECISION FIRES (LRPF)	122,733	115,233
		Excess funds due to second vendor dropped		[–7,500]
221	0607136A	BLACKHAWK PRODUCT IMPROVEMENT PROGRAM	11,236	11,236
222	0607137A	CHINOOK PRODUCT IMPROVEMENT PROGRAM	46,091	46,091
224	0607139A	IMPROVED TURBINE ENGINE PROGRAM	249,257	249,257
225	0607142A	AVIATION ROCKET SYSTEM PRODUCT IMPROVEMENT AND DEVELOPMENT	17,155	17,155
226	0607143A	UNMANNED AIRCRAFT SYSTEM UNIVERSAL PRODUCTS	7,743	7,743
227	0607145A	APACHE FUTURE DEVELOPMENT	77,177	77,177
228	0607150A	INTEL CYBER DEVELOPMENT	14,652	14,652
229	0607312A	ARMY OPERATIONAL SYSTEMS DEVELOPMENT	35,851	35,851
230	0607665A	FAMILY OF BIOMETRICS	1,324	1,324
231	0607865A	PATRIOT PRODUCT IMPROVEMENT	187,840	187,840
232	0203728A	JOINT AUTOMATED DEEP OPERATION COORDINATION SYSTEM (JADOCS)	44,691	44,691
233	0203735A	COMBAT VEHICLE IMPROVEMENT PROGRAMS	268,919	268,919
234	0203743A	155MM SELF-PROPELLED HOWITZER IMPROVEMENTS	427,254	427,254
235	0203744A	AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PROGRAMS	11,688	11,688
236	0203752A	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	80	80
237	0203758A	DIGITIZATION	4,516	4,516
238	0203801A	MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM	1,288	1,288
239	0203802A	OTHER MISSILE PRODUCT IMPROVEMENT PROGRAMS	79,424	79,424
243	0205412A	ENVIRONMENTAL QUALITY TECHNOLOGY—OPERATIONAL SYSTEM DEV	259	259
244	0205456A	LOWER TIER AIR AND MISSILE DEFENSE (AMD) SYSTEM	166	166
245	0205778A	GUIDED MULTIPLE-LAUNCH ROCKET SYSTEM (GMLRS)	75,575	93,075
		Qualification of second SRM source		[17,500]
246	0208053A	JOINT TACTICAL GROUND SYSTEM	9,510	9,510
249	0303140A	INFORMATION SYSTEMS SECURITY PROGRAM	29,270	29,270
250	0303141A	GLOBAL COMBAT SUPPORT SYSTEM	86,908	86,908
251	0303142A	SATCOM GROUND ENVIRONMENT (SPACE)	18,684	18,684

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Line	Program Element	Item	FY 2021 Request	Senate Authorized
256	0305179A	INTEGRATED BROADCAST SERVICE (IBS)	467	467
257	0305204A	TACTICAL UNMANNED AERIAL VEHICLES	4,051	4,051
258	0305206A	AIRBORNE RECONNAISSANCE SYSTEMS	13,283	13,283
259	0305208A	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	47,204	47,204
264	0708045A	END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES	61,012	78,512
		Functional fabrics manufacturing		[7,500]
		Nanoscale materials manufacturing		[5,000]
		Tungsten manufacturing for armanents		[5,000]
999	9999999999	CLASSIFIED PROGRAMS	3,983	3,983
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	**1,998,539**	**2,026,039**
		SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS		
267	0608041A	DEFENSIVE CYBER—SOFTWARE PROTOTYPE DEVELOPMENT	46,445	46,445
		SUBTOTAL SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS	**46,445**	**46,445**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY	**12,587,343**	**12,710,343**
		RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY		
		BASIC RESEARCH		
1	0601103N	UNIVERSITY RESEARCH INITIATIVES	116,816	118,816
		Defense University Research and Instrumentation Program		[2,000]
2	0601152N	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	19,113	19,113
3	0601153N	DEFENSE RESEARCH SCIENCES	467,158	480,158
		Increase in basic research		[10,000]
		Predictive modeling for undersea vehicles		[3,000]
		SUBTOTAL BASIC RESEARCH	**603,087**	**618,087**
		APPLIED RESEARCH		
4	0602114N	POWER PROJECTION APPLIED RESEARCH	17,792	17,792
5	0602123N	FORCE PROTECTION APPLIED RESEARCH	122,281	140,281
		Direct air capture and blue carbon removal technology program		[8,000]
		Electric propulsion for military craft and advanced planning hulls		[2,000]
		Expeditionary unmanned systems launch and recovery		[5,000]
		Testbed for autonomous ship systems		[3,000]
6	0602131M	MARINE CORPS LANDING FORCE TECHNOLOGY	50,623	53,623
		Interdisciplinary cybersecurity research		[3,000]
7	0602235N	COMMON PICTURE APPLIED RESEARCH	48,001	48,001
8	0602236N	WARFIGHTER SUSTAINMENT APPLIED RESEARCH	67,765	74,765
		Humanoid robotics research		[4,000]
		Social networks and computational social science		[3,000]
9	0602271N	ELECTROMAGNETIC SYSTEMS APPLIED RESEARCH	84,994	84,994
10	0602435N	OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH	63,392	63,392
11	0602651M	JOINT NON-LETHAL WEAPONS APPLIED RESEARCH	6,343	6,343
12	0602747N	UNDERSEA WARFARE APPLIED RESEARCH	56,397	63,897
		Navy and academia submarine partnerships		[7,500]
13	0602750N	FUTURE NAVAL CAPABILITIES APPLIED RESEARCH	167,590	167,590
14	0602782N	MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH	30,715	30,715
15	0602792N	INNOVATIVE NAVAL PROTOTYPES (INP) APPLIED RESEARCH	160,537	167,837
		Thermoplastic materials		[7,300]
16	0602861N	SCIENCE AND TECHNOLOGY MANAGEMENT—ONR FIELD ACITIVITIES	76,745	76,745
		SUBTOTAL APPLIED RESEARCH	**953,175**	**995,975**
		ADVANCED TECHNOLOGY DEVELOPMENT		
17	0603123N	FORCE PROTECTION ADVANCED TECHNOLOGY	24,410	24,410
18	0603271N	ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLOGY	8,008	8,008
19	0603640M	USMC ADVANCED TECHNOLOGY DEMONSTRATION (ATD)	219,045	222,045
		Mission planning advanced technology demonstration		[3,000]
20	0603651M	JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOPMENT	13,301	13,301
21	0603673N	FUTURE NAVAL CAPABILITIES ADVANCED TECHNOLOGY DEVELOPMENT	246,054	246,054
22	0603680N	MANUFACTURING TECHNOLOGY PROGRAM	60,122	60,122
23	0603729N	WARFIGHTER PROTECTION ADVANCED TECHNOLOGY	4,851	4,851
24	0603758N	NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS	40,709	40,709
25	0603782N	MINE AND EXPEDITIONARY WARFARE ADVANCED TECHNOLOGY	1,948	1,948
26	0603801N	INNOVATIVE NAVAL PROTOTYPES (INP) ADVANCED TECHNOLOGY DEVELOPMENT.	141,948	141,948
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT	**760,396**	**763,396**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
27	0603178N	MEDIUM AND LARGE UNMANNED SURFACE VEHICLES (USVS)	464,042	0
		Excess procurement ahead of satisfactory testing		[–464,042]
28	0603207N	AIR/OCEAN TACTICAL APPLICATIONS	35,386	35,386
29	0603216N	AVIATION SURVIVABILITY	13,428	13,428
30	0603239N	ISO NAVAL CONSTRUCTION FORCES	2,350	2,350
31	0603251N	AIRCRAFT SYSTEMS	418	418
32	0603254N	ASW SYSTEMS DEVELOPMENT	15,719	15,719
33	0603261N	TACTICAL AIRBORNE RECONNAISSANCE	3,411	3,411
34	0603382N	ADVANCED COMBAT SYSTEMS TECHNOLOGY	70,218	56,118
		Project 3416: HIJENKS insufficient schedule justification		[–7,000]
		Project 3422: SHARC excess platforms ahead of satisfactory testing		[–7,100]
35	0603502N	SURFACE AND SHALLOW WATER MINE COUNTERMEASURES	52,358	24,158
		Project 2989: Barracuda program delay		[–28,200]
36	0603506N	SURFACE SHIP TORPEDO DEFENSE	12,816	12,816

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37	0603512N	CARRIER SYSTEMS DEVELOPMENT	7,559	7,559
38	0603525N	PILOT FISH	358,757	358,757
39	0603527N	RETRACT LARCH	12,562	12,562
40	0603536N	RETRACT JUNIPER	148,000	148,000
41	0603542N	RADIOLOGICAL CONTROL	778	778
42	0603553N	SURFACE ASW	1,161	1,161
43	0603561N	ADVANCED SUBMARINE SYSTEM DEVELOPMENT	185,356	195,356
		Out-of-autoclave submarine technology development		[20,000]
		Project 9710: EDMs early to need		[–10,000]
44	0603562N	SUBMARINE TACTICAL WARFARE SYSTEMS	10,528	10,528
45	0603563N	SHIP CONCEPT ADVANCED DESIGN	126,396	63,296
		Project 2196: Future surface combatant early to need		[–19,100]
		Project 3161: Program increase for CBM+ initiative		[16,000]
		Project 4044: Medium amphibious ship early to need		[–30,000]
		Project 4045: Medium logistics ship early to need		[–30,000]
46	0603564N	SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES	70,270	28,970
		Project 0411: LSC preliminary design and CDD early to need		[–41,300]
47	0603570N	ADVANCED NUCLEAR POWER SYSTEMS	149,188	149,188
48	0603573N	ADVANCED SURFACE MACHINERY SYSTEMS	38,449	238,449
		Accelerate ITF to achieve full test capability in FY23		[75,000]
		Accelerate qualification of silicon carbide power modules		[10,000]
		USV autonomy development		[45,000]
		USV engine and generator qualification testing		[70,000]
49	0603576N	CHALK EAGLE	71,181	71,181
50	0603581N	LITTORAL COMBAT SHIP (LCS)	32,178	27,178
		Project 3096: Available prior year funds		[–5,000]
51	0603582N	COMBAT SYSTEM INTEGRATION	17,843	17,843
52	0603595N	OHIO REPLACEMENT	317,196	317,196
53	0603596N	LCS MISSION MODULES	67,875	32,875
		Project 2550: LCS MCM MP outdated IMS and TEMP		[–20,000]
		Project 2551: LCS ASW MP available prior year funds due to testing delays		[–15,000]
54	0603597N	AUTOMATED TEST AND ANALYSIS	4,797	4,797
55	0603599N	FRIGATE DEVELOPMENT	82,309	82,309
56	0603609N	CONVENTIONAL MUNITIONS	9,922	2,122
		Project 0363: Insufficient justification		[–7,800]
57	0603635M	MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM	189,603	189,603
58	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	43,084	43,084
59	0603713N	OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT	6,346	6,346
60	0603721N	ENVIRONMENTAL PROTECTION	20,601	20,601
61	0603724N	NAVY ENERGY PROGRAM	23,422	23,422
62	0603725N	FACILITIES IMPROVEMENT	4,664	4,664
63	0603734N	CHALK CORAL	545,763	545,763
64	0603739N	NAVY LOGISTIC PRODUCTIVITY	3,884	3,884
65	0603746N	RETRACT MAPLE	353,226	353,226
66	0603748N	LINK PLUMERIA	544,388	544,388
67	0603751N	RETRACT ELM	86,730	86,730
68	0603764M	LINK EVERGREEN	236,234	236,234
70	0603790N	NATO RESEARCH AND DEVELOPMENT	6,880	6,880
71	0603795N	LAND ATTACK TECHNOLOGY	10,578	10,578
72	0603851M	JOINT NON-LETHAL WEAPONS TESTING	28,435	28,435
73	0603860N	JOINT PRECISION APPROACH AND LANDING SYSTEMS—DEM/VAL	33,612	33,612
74	0603925N	DIRECTED ENERGY AND ELECTRIC WEAPON SYSTEMS	128,845	113,845
		Project 3402: Excess engineering and sustainment support		[–15,000]
75	0604014N	F/A –18 INFRARED SEARCH AND TRACK (IRST)	84,190	84,190
76	0604027N	DIGITAL WARFARE OFFICE	54,699	54,699
77	0604028N	SMALL AND MEDIUM UNMANNED UNDERSEA VEHICLES	53,942	53,942
78	0604029N	UNMANNED UNDERSEA VEHICLE CORE TECHNOLOGIES	40,060	40,060
79	0604030N	RAPID PROTOTYPING, EXPERIMENTATION AND DEMONSTRATION.	12,100	12,100
80	0604031N	LARGE UNMANNED UNDERSEA VEHICLES	78,122	42,122
		Project 2094: Excess procurement ahead of phase 1 testing		[–36,000]
81	0604112N	GERALD R. FORD CLASS NUCLEAR AIRCRAFT CARRIER (CVN 78—80)	107,895	107,895
82	0604126N	LITTORAL AIRBORNE MCM	17,366	17,366
83	0604127N	SURFACE MINE COUNTERMEASURES	18,754	18,754
84	0604272N	TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES (TADIRCM)	59,776	59,776
86	0604292N	FUTURE VERTICAL LIFT (MARITIME STRIKE)	5,097	5,097
87	0604320M	RAPID TECHNOLOGY CAPABILITY PROTOTYPE	3,664	3,664
88	0604454N	LX (R)	10,203	10,203
89	0604536N	ADVANCED UNDERSEA PROTOTYPING	115,858	95,858
		Orca UUV testing delay and uncertified test strategy		[–10,000]
		Snakehead UUV uncertified test strategy		[–10,000]
90	0604636N	COUNTER UNMANNED AIRCRAFT SYSTEMS (C-UAS)	14,259	14,259
91	0604659N	PRECISION STRIKE WEAPONS DEVELOPMENT PROGRAM	1,102,387	1,045,387
		Lack of hypersonic prototyping coordination		[–5,000]
		Project 3334: Excess Virginia-class CPS modification and installation costs		[–52,000]
92	0604707N	SPACE AND ELECTRONIC WARFARE (SEW) ARCHITECTURE/ENGINEERING SUPPORT.	7,657	7,657
93	0604786N	OFFENSIVE ANTI-SURFACE WARFARE WEAPON DEVELOPMENT	35,750	35,750
94	0303354N	ASW SYSTEMS DEVELOPMENT—MIP	9,151	9,151
95	0304240M	ADVANCED TACTICAL UNMANNED AIRCRAFT SYSTEM	22,589	22,589
97	0304270N	ELECTRONIC WARFARE DEVELOPMENT—MIP	809	809
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	**6,503,074**	**5,926,532**

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		SYSTEM DEVELOPMENT & DEMONSTRATION		
98	0603208N	TRAINING SYSTEM AIRCRAFT	4,332	4,332
99	0604212N	OTHER HELO DEVELOPMENT	18,133	23,133
		Program increase for Attack and Utility Replacement Aircraft		[5,000]
100	0604214M	AV–8B AIRCRAFT—ENG DEV	20,054	20,054
101	0604215N	STANDARDS DEVELOPMENT	4,237	4,237
102	0604216N	MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT	27,340	27,340
104	0604221N	P–3 MODERNIZATION PROGRAM	606	606
105	0604230N	WARFARE SUPPORT SYSTEM	9,065	9,065
106	0604231N	TACTICAL COMMAND SYSTEM	97,968	97,968
107	0604234N	ADVANCED HAWKEYE	309,373	309,373
108	0604245M	H–1 UPGRADES	62,310	62,310
109	0604261N	ACOUSTIC SEARCH SENSORS	47,182	47,182
110	0604262N	V–22A	132,624	132,624
111	0604264N	AIR CREW SYSTEMS DEVELOPMENT	21,445	21,445
112	0604269N	EA–18	106,134	106,134
113	0604270N	ELECTRONIC WARFARE DEVELOPMENT	134,194	134,194
114	0604273M	EXECUTIVE HELO DEVELOPMENT	99,321	99,321
115	0604274N	NEXT GENERATION JAMMER (NGJ)	477,680	477,680
116	0604280N	JOINT TACTICAL RADIO SYSTEM—NAVY (JTRS-NAVY)	232,818	232,818
117	0604282N	NEXT GENERATION JAMMER (NGJ) INCREMENT II	170,039	170,039
118	0604307N	SURFACE COMBATANT COMBAT SYSTEM ENGINEERING	403,712	403,712
119	0604311N	LPD–17 CLASS SYSTEMS INTEGRATION	945	945
120	0604329N	SMALL DIAMETER BOMB (SDB)	62,488	62,488
121	0604366N	STANDARD MISSILE IMPROVEMENTS	386,225	386,225
122	0604373N	AIRBORNE MCM	10,909	10,909
123	0604378N	NAVAL INTEGRATED FIRE CONTROL—COUNTER AIR SYSTEMS ENGINEERING	44,548	44,548
124	0604419N	ADVANCED SENSORS APPLICATION PROGRAM (ASAP)	13,673	13,673
125	0604501N	ADVANCED ABOVE WATER SENSORS	87,809	87,809
126	0604503N	SSN–688 AND TRIDENT MODERNIZATION	93,097	93,097
127	0604504N	AIR CONTROL	38,863	38,863
128	0604512N	SHIPBOARD AVIATION SYSTEMS	9,593	9,593
129	0604518N	COMBAT INFORMATION CENTER CONVERSION	12,718	12,718
130	0604522N	AIR AND MISSILE DEFENSE RADAR (AMDR) SYSTEM	78,319	78,319
131	0604530N	ADVANCED ARRESTING GEAR (AAG)	65,834	65,834
132	0604558N	NEW DESIGN SSN	259,443	259,443
133	0604562N	SUBMARINE TACTICAL WARFARE SYSTEM	63,878	58,878
		AN/BYG–1 APB17 and APB19 testing delays		[–5,000]
134	0604567N	SHIP CONTRACT DESIGN/ LIVE FIRE T&E	51,853	66,753
		Advanced degaussing DDG–51 retrofit and demonstration		[14,900]
135	0604574N	NAVY TACTICAL COMPUTER RESOURCES	3,853	3,853
136	0604601N	MINE DEVELOPMENT	92,607	92,607
137	0604610N	LIGHTWEIGHT TORPEDO DEVELOPMENT	146,012	116,012
		Project 1412: HAAWC operational testing delays		[–10,000]
		Project 3418: Mk 54 Mod 2 contract delays		[–20,000]
138	0604654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	8,383	8,383
139	0604657M	USMC GROUND COMBAT/SUPPORTING ARMS SYSTEMS—ENG DEV	33,784	33,784
140	0604703N	PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS	8,599	8,599
141	0604727N	JOINT STANDOFF WEAPON SYSTEMS	73,744	73,744
142	0604755N	SHIP SELF DEFENSE (DETECT & CONTROL)	157,490	157,490
143	0604756N	SHIP SELF DEFENSE (ENGAGE: HARD KILL)	121,761	121,761
144	0604757N	SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW)	89,373	89,373
145	0604761N	INTELLIGENCE ENGINEERING	15,716	15,716
146	0604771N	MEDICAL DEVELOPMENT	2,120	2,120
147	0604777N	NAVIGATION/ID SYSTEM	50,180	50,180
148	0604800M	JOINT STRIKE FIGHTER (JSF)—EMD	561	561
149	0604800N	JOINT STRIKE FIGHTER (JSF)—EMD	250	250
150	0604850N	SSN(X)	1,000	1,000
151	0605013M	INFORMATION TECHNOLOGY DEVELOPMENT	974	974
152	0605013N	INFORMATION TECHNOLOGY DEVELOPMENT	356,173	356,173
153	0605024N	ANTI-TAMPER TECHNOLOGY SUPPORT	7,810	7,810
154	0605212M	CH–53K RDTE	406,406	406,406
155	0605215N	MISSION PLANNING	86,134	86,134
156	0605217N	COMMON AVIONICS	54,540	54,540
157	0605220N	SHIP TO SHORE CONNECTOR (SSC)	5,155	5,155
158	0605327N	T-AO 205 CLASS	5,148	5,148
159	0605414N	UNMANNED CARRIER AVIATION (UCA)	266,970	266,970
160	0605450M	JOINT AIR-TO-GROUND MISSILE (JAGM)	12,713	12,713
161	0605500N	MULTI-MISSION MARITIME AIRCRAFT (MMA)	24,424	24,424
162	0605504N	MULTI-MISSION MARITIME (MMA) INCREMENT III	182,870	182,870
163	0605611M	MARINE CORPS ASSAULT VEHICLES SYSTEM DEVELOPMENT & DEMONSTRATION.	41,775	41,775
164	0605813M	JOINT LIGHT TACTICAL VEHICLE (JLTV) SYSTEM DEVELOPMENT & DEMONSTRATION.	2,541	2,541
165	0204202N	DDG–1000	208,448	208,448
169	0304785N	TACTICAL CRYPTOLOGIC SYSTEMS	111,434	111,434
170	0306250M	CYBER OPERATIONS TECHNOLOGY DEVELOPMENT	26,173	26,173
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION	**6,263,883**	**6,248,783**
		MANAGEMENT SUPPORT		
171	0604256N	THREAT SIMULATOR DEVELOPMENT	22,075	22,075
172	0604258N	TARGET SYSTEMS DEVELOPMENT	10,224	10,224

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173	0604759N	MAJOR T&E INVESTMENT	85,195	85,195
175	0605152N	STUDIES AND ANALYSIS SUPPORT—NAVY	3,089	3,089
176	0605154N	CENTER FOR NAVAL ANALYSES	43,517	43,517
179	0605804N	TECHNICAL INFORMATION SERVICES	932	932
180	0605853N	MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT	94,297	94,297
181	0605856N	STRATEGIC TECHNICAL SUPPORT	3,813	3,813
183	0605863N	RDT&E SHIP AND AIRCRAFT SUPPORT	104,822	104,822
184	0605864N	TEST AND EVALUATION SUPPORT	446,960	446,960
185	0605865N	OPERATIONAL TEST AND EVALUATION CAPABILITY	27,241	27,241
186	0605866N	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT	15,787	15,787
187	0605867N	SEW SURVEILLANCE/RECONNAISSANCE SUPPORT	8,559	8,559
188	0605873M	MARINE CORPS PROGRAM WIDE SUPPORT	42,749	42,749
189	0605898N	MANAGEMENT HQ—R&D	41,094	41,094
190	0606355N	WARFARE INNOVATION MANAGEMENT	37,022	37,022
193	0305327N	INSIDER THREAT	2,310	2,310
194	0902498N	MANAGEMENT HEADQUARTERS (DEPARTMENTAL SUPPORT ACTIVITIES)	1,536	1,536
		SUBTOTAL MANAGEMENT SUPPORT	**991,222**	**991,222**
		OPERATIONAL SYSTEMS DEVELOPMENT		
199	0604227N	HARPOON MODIFICATIONS	697	697
200	0604840M	F–35 C2D2	379,549	379,549
201	0604840N	F–35 C2D2	413,875	413,875
202	0607658N	COOPERATIVE ENGAGEMENT CAPABILITY (CEC)	143,667	143,667
204	0101221N	STRATEGIC SUB & WEAPONS SYSTEM SUPPORT	173,056	173,056
205	0101224N	SSBN SECURITY TECHNOLOGY PROGRAM	45,970	45,970
206	0101226N	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT	69,190	61,190
		CRAW EDM (TI–2) early to need		[–8,000]
207	0101402N	NAVY STRATEGIC COMMUNICATIONS	42,277	42,277
208	0204136N	F/A–18 SQUADRONS	171,030	171,030
210	0204228N	SURFACE SUPPORT	33,482	33,482
211	0204229N	TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC)	200,308	200,308
212	0204311N	INTEGRATED SURVEILLANCE SYSTEM	102,975	152,975
		Accelerate sensor and signal processing development		[25,000]
		Program increase for spiral 1 TRAPS units		[25,000]
213	0204313N	SHIP-TOWED ARRAY SURVEILLANCE SYSTEMS	10,873	10,873
214	0204413N	AMPHIBIOUS TACTICAL SUPPORT UNITS (DISPLACEMENT CRAFT)	1,713	6,713
		Program increase for LCAC composite component manufacturing		[5,000]
215	0204460M	GROUND/AIR TASK ORIENTED RADAR (G/ATOR)	22,205	105,805
		Program increase for G/ATOR and SM–6 stand-alone engagement analysis		[10,000]
		Program increase for USMC G/ATOR and SM–6 demonstration		[73,600]
216	0204571N	CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT	83,956	83,956
218	0204575N	ELECTRONIC WARFARE (EW) READINESS SUPPORT	56,791	56,791
219	0205601N	HARM IMPROVEMENT	146,166	146,166
221	0205620N	SURFACE ASW COMBAT SYSTEM INTEGRATION	29,348	29,348
222	0205632N	MK–48 ADCAP	110,349	110,349
223	0205633N	AVIATION IMPROVEMENTS	133,953	133,953
224	0205675N	OPERATIONAL NUCLEAR POWER SYSTEMS	110,313	110,313
225	0206313M	MARINE CORPS COMMUNICATIONS SYSTEMS	207,662	207,662
226	0206335M	COMMON AVIATION COMMAND AND CONTROL SYSTEM (CAC2S)	4,406	4,406
227	0206623M	MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS	61,381	61,381
228	0206624M	MARINE CORPS COMBAT SERVICES SUPPORT	10,421	10,421
229	0206625M	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP)	29,977	29,977
230	0206629M	AMPHIBIOUS ASSAULT VEHICLE	6,469	6,469
231	0207161N	TACTICAL AIM MISSILES	5,859	5,859
232	0207163N	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	44,323	44,323
236	0303109N	SATELLITE COMMUNICATIONS (SPACE)	41,978	41,978
237	0303138N	CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES (CANES)	29,684	29,684
238	0303140N	INFORMATION SYSTEMS SECURITY PROGRAM	39,094	39,094
239	0305192N	MILITARY INTELLIGENCE PROGRAM (MIP) ACTIVITIES	6,154	6,154
240	0305204N	TACTICAL UNMANNED AERIAL VEHICLES	7,108	7,108
241	0305205N	UAS INTEGRATION AND INTEROPERABILITY	62,098	62,098
242	0305208M	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	21,500	21,500
244	0305220N	MQ–4C TRITON	11,120	11,120
245	0305231N	MQ–8 UAV	28,968	28,968
246	0305232M	RQ–11 UAV	537	537
247	0305234N	SMALL (LEVEL 0) TACTICAL UAS (STUASL0)	8,773	8,773
248	0305239M	RQ–21A	10,853	10,853
249	0305241N	MULTI-INTELLIGENCE SENSOR DEVELOPMENT	60,413	60,413
250	0305242M	UNMANNED AERIAL SYSTEMS (UAS) PAYLOADS (MIP)	5,000	5,000
251	0305251N	CYBERSPACE OPERATIONS FORCES AND FORCE SUPPORT	34,967	44,967
		Cyber tool development		[10,000]
252	0305421N	RQ–4 MODERNIZATION	178,799	178,799
253	0307577N	INTELLIGENCE MISSION DATA (IMD)	2,120	2,120
254	0308601N	MODELING AND SIMULATION SUPPORT	8,683	8,683
255	0702207N	DEPOT MAINTENANCE (NON-IF)	45,168	45,168
256	0708730N	MARITIME TECHNOLOGY (MARITECH)	6,697	6,697
257	1203109N	SATELLITE COMMUNICATIONS (SPACE)	70,056	70,056
999	9999999999	CLASSIFIED PROGRAMS	1,795,032	1,795,032
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	**5,327,043**	**5,467,643**
		SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS		
258	0608013N	RISK MANAGEMENT INFORMATION—SOFTWARE PILOT PROGRAM	14,300	14,300

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259	0608231N	MARITIME TACTICAL COMMAND AND CONTROL (MTC2)—SOFTWARE PILOT PROGRAM.	10,868	10,868
		SUBTOTAL SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS	**25,168**	**25,168**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY	**21,427,048**	**21,036,806**
		RESEARCH, DEVELOPMENT, TEST & EVAL, AF		
		BASIC RESEARCH		
1	0601102F	DEFENSE RESEARCH SCIENCES	315,348	325,348
		Increase in basic research		[10,000]
2	0601103F	UNIVERSITY RESEARCH INITIATIVES	161,861	161,861
3	0601108F	HIGH ENERGY LASER RESEARCH INITIATIVES	15,085	15,085
		SUBTOTAL BASIC RESEARCH	**492,294**	**502,294**
		APPLIED RESEARCH		
4	0602020F	FUTURE AF CAPABILITIES APPLIED RESEARCH	100,000	100,000
5	0602102F	MATERIALS	140,781	160,281
		High-energy synchotron x-ray program		[5,000]
		Materials maturation for high mach systems		[5,000]
		Metals Affordability Initiative		[5,000]
		Qualification of additive manufacturing processes		[2,000]
		Techniques to repair fasteners		[2,500]
6	0602201F	AEROSPACE VEHICLE TECHNOLOGIES	349,225	359,225
		Hypersonic materials		[10,000]
7	0602202F	HUMAN EFFECTIVENESS APPLIED RESEARCH	115,222	115,222
9	0602204F	AEROSPACE SENSORS	211,301	211,301
11	0602298F	SCIENCE AND TECHNOLOGY MANAGEMENT— MAJOR HEADQUARTERS ACTIVITIES.	8,926	8,926
12	0602602F	CONVENTIONAL MUNITIONS	132,425	132,425
13	0602605F	DIRECTED ENERGY TECHNOLOGY	128,113	128,113
14	0602788F	DOMINANT INFORMATION SCIENCES AND METHODS	178,668	178,668
15	0602890F	HIGH ENERGY LASER RESEARCH	45,088	45,088
		SUBTOTAL APPLIED RESEARCH	**1,409,749**	**1,439,249**
		ADVANCED TECHNOLOGY DEVELOPMENT		
17	0603030F	AF FOUNDATIONAL DEVELOPMENT/DEMOS	103,280	103,280
18	0603032F	FUTURE AF INTEGRATED TECHNOLOGY DEMOS	157,619	107,619
		Golden Horde too mature for science and technology prototype		[–50,000]
19	0603033F	NEXT GEN PLATFORM DEV/DEMO	199,556	208,556
		B–52 pylon fairings		[3,000]
		C–130 finlets		[3,000]
		KC–135 aft body drag		[3,000]
20	0603034F	PERSISTENT KNOWLEDGE, AWARENESS, & C2 TECH	102,276	102,276
21	0603035F	NEXT GEN EFFECTS DEV/DEMOS	215,817	215,817
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT	**778,548**	**737,548**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
38	0603260F	INTELLIGENCE ADVANCED DEVELOPMENT	4,320	4,320
39	0603742F	COMBAT IDENTIFICATION TECHNOLOGY	26,396	26,396
40	0603790F	NATO RESEARCH AND DEVELOPMENT	3,647	3,647
41	0603851F	INTERCONTINENTAL BALLISTIC MISSILE—DEM/VAL	32,959	32,959
43	0604002F	AIR FORCE WEATHER SERVICES RESEARCH	869	869
44	0604003F	ADVANCED BATTLE MANAGEMENT SYSTEM (ABMS)	302,323	302,323
45	0604004F	ADVANCED ENGINE DEVELOPMENT	636,495	686,495
		AETP program acceleration		[50,000]
46	0604015F	LONG RANGE STRIKE—BOMBER	2,848,410	2,848,410
47	0604032F	DIRECTED ENERGY PROTOTYPING	20,964	25,964
		Directed energy counter-Unmanned Aerial Systems (CUAS)		[5,000]
48	0604033F	HYPERSONICS PROTOTYPING	381,862	446,862
		HAWC program increase		[65,000]
50	0604257F	ADVANCED TECHNOLOGY AND SENSORS	24,747	24,747
51	0604288F	NATIONAL AIRBORNE OPS CENTER (NAOC) RECAP	76,417	76,417
52	0604317F	TECHNOLOGY TRANSFER	3,011	3,011
53	0604327F	HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM (HDBTDS) PROGRAM	52,921	52,921
54	0604414F	CYBER RESILIENCY OF WEAPON SYSTEMS-ACS	69,783	69,783
55	0604776F	DEPLOYMENT & DISTRIBUTION ENTERPRISE R&D	25,835	25,835
56	0604858F	TECH TRANSITION PROGRAM	219,252	455,252
		Agile software development and operations		[4,500]
		Initial polar MILSATCOM capability		[46,000]
		KC–135 vertical wipers		[2,000]
		KC–135 winglets		[10,000]
		LCAAT program acceleration		[128,000]
		Long-endurance UAS		[33,500]
		Rapid repair of high performance materials		[6,000]
		Small satellite acceleration		[6,000]
57	0605230F	GROUND BASED STRATEGIC DETERRENT	1,524,759	1,524,759
59	0207110F	NEXT GENERATION AIR DOMINANCE	1,044,089	1,044,089
60	0207455F	THREE DIMENSIONAL LONG-RANGE RADAR (3DELRR)	19,356	19,356
61	0207522F	AIRBASE AIR DEFENSE SYSTEMS (ABADS)	8,737	8,737
62	0208099F	UNIFIED PLATFORM (UP)	5,990	5,990
63	0305236F	COMMON DATA LINK EXECUTIVE AGENT (CDL EA)	39,293	39,293
65	0305601F	MISSION PARTNER ENVIRONMENTS	11,430	11,430

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66	0306250F	CYBER OPERATIONS TECHNOLOGY DEVELOPMENT	259,823	259,823
67	0306415F	ENABLED CYBER ACTIVITIES	10,560	10,560
68	0401310F	C–32 EXECUTIVE TRANSPORT RECAPITALIZATION	9,908	9,908
69	0901410F	CONTRACTING INFORMATION TECHNOLOGY SYSTEM	8,662	8,662
74	1206427F	SPACE SYSTEMS PROTOTYPE TRANSITIONS (SSPT)	8,787	8,787
77	1206730F	SPACE SECURITY AND DEFENSE PROGRAM	56,311	56,311
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	**7,737,916**	**8,093,916**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
82	0604200F	FUTURE ADVANCED WEAPON ANALYSIS & PROGRAMS	25,161	25,161
83	0604201F	PNT RESILIENCY, MODS, AND IMPROVEMENTS	38,564	38,564
84	0604222F	NUCLEAR WEAPONS SUPPORT	35,033	35,033
85	0604270F	ELECTRONIC WARFARE DEVELOPMENT	2,098	2,098
86	0604281F	TACTICAL DATA NETWORKS ENTERPRISE	131,909	131,909
87	0604287F	PHYSICAL SECURITY EQUIPMENT	6,752	6,752
88	0604329F	SMALL DIAMETER BOMB (SDB)—EMD	17,280	17,280
89	0604429F	AIRBORNE ELECTRONIC ATTACK	0	30,000
		STiTCHES integration		[30,000]
90	0604602F	ARMAMENT/ORDNANCE DEVELOPMENT	23,076	23,076
91	0604604F	SUBMUNITIONS	3,091	3,091
92	0604617F	AGILE COMBAT SUPPORT	20,609	20,609
93	0604618F	JOINT DIRECT ATTACK MUNITION	7,926	7,926
94	0604706F	LIFE SUPPORT SYSTEMS	23,660	23,660
95	0604735F	COMBAT TRAINING RANGES	8,898	8,898
96	0604800F	F–35—EMD	5,423	5,423
97	0604932F	LONG RANGE STANDOFF WEAPON	474,430	474,430
98	0604933F	ICBM FUZE MODERNIZATION	167,099	167,099
100	0605056F	OPEN ARCHITECTURE MANAGEMENT	30,547	30,547
102	0605223F	ADVANCED PILOT TRAINING	248,669	254,669
		SLATE/VR training		[6,000]
103	0605229F	COMBAT RESCUE HELICOPTER	63,169	63,169
105	0101125F	NUCLEAR WEAPONS MODERNIZATION	9,683	9,683
106	0207171F	F–15 EPAWSS	170,679	170,679
107	0207328F	STAND IN ATTACK WEAPON	160,438	160,438
108	0207701F	FULL COMBAT MISSION TRAINING	9,422	9,422
110	0305176F	COMBAT SURVIVOR EVADER LOCATOR	973	973
111	0401221F	KC–46A TANKER SQUADRONS	106,262	106,262
113	0401319F	VC–25B	800,889	800,889
114	0701212F	AUTOMATED TEST SYSTEMS	10,673	10,673
115	0804772F	TRAINING DEVELOPMENTS	4,479	4,479
116	0901299F	AF A1 SYSTEMS	8,467	8,467
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION	**2,615,359**	**2,651,359**
		MANAGEMENT SUPPORT		
131	0604256F	THREAT SIMULATOR DEVELOPMENT	57,725	57,725
132	0604759F	MAJOR T&E INVESTMENT	208,680	223,680
		Gulf Range telemetric modernization		[15,000]
133	0605101F	RAND PROJECT AIR FORCE	35,803	35,803
135	0605712F	INITIAL OPERATIONAL TEST & EVALUATION	13,557	13,557
136	0605807F	TEST AND EVALUATION SUPPORT	764,606	764,606
142	0605831F	ACQ WORKFORCE- CAPABILITY INTEGRATION	1,362,038	1,362,038
143	0605832F	ACQ WORKFORCE- ADVANCED PRGM TECHNOLOGY	40,768	40,768
144	0605833F	ACQ WORKFORCE- NUCLEAR SYSTEMS	179,646	179,646
145	0605898F	MANAGEMENT HQ—R&D	5,734	5,734
146	0605976F	FACILITIES RESTORATION AND MODERNIZATION—TEST AND EVALUATION SUPPORT.	70,985	70,985
147	0605978F	FACILITIES SUSTAINMENT—TEST AND EVALUATION SUPPORT	29,880	29,880
148	0606017F	REQUIREMENTS ANALYSIS AND MATURATION	63,381	63,381
149	0606398F	MANAGEMENT HQ—T&E	5,785	5,785
150	0303255F	COMMAND, CONTROL, COMMUNICATION, AND COMPUTERS (C4)—STRATCOM	24,564	24,564
151	0308602F	ENTEPRISE INFORMATION SERVICES (EIS)	9,883	2,383
		Acq strat incompatible with AF digital mod strategy		[–7,500]
152	0702806F	ACQUISITION AND MANAGEMENT SUPPORT	13,384	13,384
153	0804731F	GENERAL SKILL TRAINING	1,262	1,262
155	1001004F	INTERNATIONAL ACTIVITIES	3,599	3,599
		SUBTOTAL MANAGEMENT SUPPORT	**2,891,280**	**2,898,780**
		OPERATIONAL SYSTEMS DEVELOPMENT		
163	0604233F	SPECIALIZED UNDERGRADUATE FLIGHT TRAINING	8,777	8,777
164	0604776F	DEPLOYMENT & DISTRIBUTION ENTERPRISE R&D	499	499
165	0604840F	F–35 C2D2	785,336	785,336
166	0605018F	AF INTEGRATED PERSONNEL AND PAY SYSTEM (AF-IPPS)	27,035	7,035
		Poor agile development strategy		[–20,000]
167	0605024F	ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY	50,508	50,508
168	0605117F	FOREIGN MATERIEL ACQUISITION AND EXPLOITATION	71,229	71,229
169	0605278F	HC/MC–130 RECAP RDT&E	24,705	24,705
170	0606018F	NC3 INTEGRATION	26,356	26,356
172	0101113F	B–52 SQUADRONS	520,023	520,023
173	0101122F	AIR-LAUNCHED CRUISE MISSILE (ALCM)	1,433	1,433
174	0101126F	B–1B SQUADRONS	15,766	26,566
		USAF-requested transfer from APAF Lines 22, 24		[10,800]
175	0101127F	B–2 SQUADRONS	187,399	187,399

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176	0101213F	MINUTEMAN SQUADRONS	116,569	116,569
177	0101316F	WORLDWIDE JOINT STRATEGIC COMMUNICATIONS	27,235	27,235
178	0101324F	INTEGRATED STRATEGIC PLANNING & ANALYSIS NETWORK	24,227	24,227
179	0101328F	ICBM REENTRY VEHICLES	112,753	112,753
181	0102110F	UH–1N REPLACEMENT PROGRAM	44,464	44,464
182	0102326F	REGION/SECTOR OPERATION CONTROL CENTER MODERNIZATION PROGRAM	5,929	5,929
183	0102412F	NORTH WARNING SYSTEM (NWS)	100	100
184	0205219F	MQ–9 UAV	162,080	162,080
186	0207131F	A–10 SQUADRONS	24,535	24,535
187	0207133F	F–16 SQUADRONS	223,437	223,437
188	0207134F	F–15E SQUADRONS	298,908	298,908
189	0207136F	MANNED DESTRUCTIVE SUPPRESSION	14,960	14,960
190	0207138F	F–22A SQUADRONS	665,038	665,038
191	0207142F	F–35 SQUADRONS	132,229	132,229
192	0207146F	F–15EX	159,761	159,761
193	0207161F	TACTICAL AIM MISSILES	19,417	19,417
194	0207163F	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	51,799	51,799
195	0207227F	COMBAT RESCUE—PARARESCUE	669	669
196	0207247F	AF TENCAP	21,644	21,644
197	0207249F	PRECISION ATTACK SYSTEMS PROCUREMENT	9,261	9,261
198	0207253F	COMPASS CALL	15,854	15,854
199	0207268F	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	95,896	95,896
200	0207325F	JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM)	70,792	70,792
201	0207410F	AIR & SPACE OPERATIONS CENTER (AOC)	51,187	51,187
202	0207412F	CONTROL AND REPORTING CENTER (CRC)	16,041	16,041
203	0207417F	AIRBORNE WARNING AND CONTROL SYSTEM (AWACS)	138,303	138,303
204	0207418F	AFSPECWAR—TACP	4,223	4,223
206	0207431F	COMBAT AIR INTELLIGENCE SYSTEM ACTIVITIES	16,564	16,564
207	0207438F	THEATER BATTLE MANAGEMENT (TBM) C4I	7,858	7,858
208	0207444F	TACTICAL AIR CONTROL PARTY-MOD	12,906	12,906
210	0207452F	DCAPES	14,816	14,816
211	0207521F	AIR FORCE CALIBRATION PROGRAMS	1,970	1,970
212	0207573F	NATIONAL TECHNICAL NUCLEAR FORENSICS	396	396
213	0207590F	SEEK EAGLE	29,680	29,680
214	0207601F	USAF MODELING AND SIMULATION	17,666	17,666
215	0207605F	WARGAMING AND SIMULATION CENTERS	6,353	6,353
216	0207610F	BATTLEFIELD ABN COMM NODE (BACN)	6,827	6,827
217	0207697F	DISTRIBUTED TRAINING AND EXERCISES	3,390	3,390
218	0208006F	MISSION PLANNING SYSTEMS	91,768	91,768
219	0208007F	TACTICAL DECEPTION	2,370	2,370
220	0208064F	OPERATIONAL HQ—CYBER	5,527	5,527
221	0208087F	DISTRIBUTED CYBER WARFARE OPERATIONS	68,279	68,279
222	0208088F	AF DEFENSIVE CYBERSPACE OPERATIONS	15,165	15,165
223	0208097F	JOINT CYBER COMMAND AND CONTROL (JCC2)	38,480	38,480
224	0208099F	UNIFIED PLATFORM (UP)	84,645	84,645
230	0301025F	GEOBASE	2,767	2,767
231	0301112F	NUCLEAR PLANNING AND EXECUTION SYSTEM (NPES)	32,759	32,759
238	0301401F	AIR FORCE SPACE AND CYBER NON-TRADITIONAL ISR FOR BATTLESPACE AWARENESS.	2,904	2,904
239	0302015F	E–4B NATIONAL AIRBORNE OPERATIONS CENTER (NAOC)	3,468	3,468
240	0303131F	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN)	61,887	61,887
242	0303140F	INFORMATION SYSTEMS SECURITY PROGRAM	10,351	10,351
243	0303142F	GLOBAL FORCE MANAGEMENT—DATA INITIATIVE	1,346	1,346
246	0304260F	AIRBORNE SIGINT ENTERPRISE	128,110	128,110
247	0304310F	COMMERCIAL ECONOMIC ANALYSIS	4,042	4,042
251	0305020F	CCMD INTELLIGENCE INFORMATION TECHNOLOGY	1,649	1,649
252	0305022F	ISR MODERNIZATION & AUTOMATION DVMT (IMAD)	19,265	19,265
253	0305099F	GLOBAL AIR TRAFFIC MANAGEMENT (GATM)	4,645	4,645
254	0305103F	CYBER SECURITY INITIATIVE	384	384
255	0305111F	WEATHER SERVICE	23,640	23,640
256	0305114F	AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM (ATCALS)	6,553	6,553
257	0305116F	AERIAL TARGETS	449	449
260	0305128F	SECURITY AND INVESTIGATIVE ACTIVITIES	432	432
262	0305146F	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES	4,890	4,890
264	0305179F	INTEGRATED BROADCAST SERVICE (IBS)	8,864	8,864
265	0305202F	DRAGON U–2	18,660	18,660
267	0305206F	AIRBORNE RECONNAISSANCE SYSTEMS	121,512	121,512
268	0305207F	MANNED RECONNAISSANCE SYSTEMS	14,711	14,711
269	0305208F	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	14,152	14,152
270	0305220F	RQ–4 UAV	134,589	134,589
271	0305221F	NETWORK-CENTRIC COLLABORATIVE TARGETING	15,049	15,049
272	0305238F	NATO AGS	36,731	36,731
273	0305240F	SUPPORT TO DCGS ENTERPRISE	33,547	33,547
274	0305600F	INTERNATIONAL INTELLIGENCE TECHNOLOGY AND ARCHITECTURES	13,635	17,315
		PDI: Mission Partner Environment BICES-X Project 675898		[3,680]
275	0305881F	RAPID CYBER ACQUISITION	4,262	4,262
276	0305984F	PERSONNEL RECOVERY COMMAND & CTRL (PRC2)	2,207	2,207
277	0307577F	INTELLIGENCE MISSION DATA (IMD)	6,277	6,277
278	0401115F	C–130 AIRLIFT SQUADRON	41,973	41,973
279	0401119F	C–5 AIRLIFT SQUADRONS (IF)	32,560	32,560
280	0401130F	C–17 AIRCRAFT (IF)	9,991	12,991
		C–17 microvanes		[3,000]

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281	0401132F	C–130J PROGRAM	10,674	10,674
282	0401134F	LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM)	5,507	5,507
283	0401218F	KC–135S	4,591	4,591
286	0401318F	CV–22	18,419	18,419
288	0408011F	SPECIAL TACTICS / COMBAT CONTROL	7,673	7,673
290	0708055F	MAINTENANCE, REPAIR & OVERHAUL SYSTEM	24,513	24,513
291	0708610F	LOGISTICS INFORMATION TECHNOLOGY (LOGIT)	35,225	15,225
		Poor agile development strategy		[–20,000]
292	0708611F	SUPPORT SYSTEMS DEVELOPMENT	11,838	11,838
293	0804743F	OTHER FLIGHT TRAINING	1,332	1,332
295	0901202F	JOINT PERSONNEL RECOVERY AGENCY	2,092	2,092
296	0901218F	CIVILIAN COMPENSATION PROGRAM	3,869	3,869
297	0901220F	PERSONNEL ADMINISTRATION	1,584	1,584
298	0901226F	AIR FORCE STUDIES AND ANALYSIS AGENCY	1,197	1,197
299	0901538F	FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT	7,006	7,006
300	0901554F	DEFENSE ENTERPRISE ACNTNG AND MGT SYS (DEAMS)	45,638	45,638
301	1201017F	GLOBAL SENSOR INTEGRATED ON NETWORK (GSIN)	1,889	1,889
302	1201921F	SERVICE SUPPORT TO STRATCOM—SPACE ACTIVITIES	993	993
303	1202140F	SERVICE SUPPORT TO SPACECOM ACTIVITIES	8,999	8,999
314	1203400F	SPACE SUPERIORITY INTELLIGENCE	16,810	16,810
316	1203620F	NATIONAL SPACE DEFENSE CENTER	2,687	2,687
318	1203906F	NCMC—TW/AA SYSTEM	6,990	6,990
999	9999999999	CLASSIFIED PROGRAMS	15,777,856	15,839,856
		Air-to-air weapons development increase		[62,000]
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	**21,466,680**	**21,506,160**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, AF	**37,391,826**	**37,829,306**
		RDTE, SPACE FORCE		
		APPLIED RESEARCH		
1	1206601SF	SPACE TECHNOLOGY	130,874	133,874
		Small satellite mission operations facility		[3,000]
		SUBTOTAL APPLIED RESEARCH	**130,874**	**133,874**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
2	1203164SF	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE)	390,704	370,704
		MGUE program slip		[–20,000]
3	1203710SF	EO/IR WEATHER SYSTEMS	131,000	131,000
4	1206422SF	WEATHER SYSTEM FOLLOW-ON	83,384	83,384
5	1206425SF	SPACE SITUATION AWARENESS SYSTEMS	33,359	33,359
6	1206427SF	SPACE SYSTEMS PROTOTYPE TRANSITIONS (SSPT)	142,808	142,808
7	1206438SF	SPACE CONTROL TECHNOLOGY	35,575	35,575
8	1206760SF	PROTECTED TACTICAL ENTERPRISE SERVICE (PTES)	114,390	114,390
9	1206761SF	PROTECTED TACTICAL SERVICE (PTS)	205,178	205,178
10	1206855SF	EVOLVED STRATEGIC SATCOM (ESS)	71,395	71,395
11	1206857SF	SPACE RAPID CAPABILITIES OFFICE	103,518	103,518
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	**1,311,311**	**1,291,311**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
12	1203269SF	GPS III FOLLOW-ON (GPS IIIF)	263,496	263,496
13	1203940SF	SPACE SITUATION AWARENESS OPERATIONS	41,897	41,897
14	1206421SF	COUNTERSPACE SYSTEMS	54,689	54,689
15	1206422SFZ	WEATHER SYSTEM FOLLOW-ON	2,526	2,526
16	1206425SFZ	SPACE SITUATION AWARENESS SYSTEMS	173,074	173,074
17	1206431SF	ADVANCED EHF MILSATCOM (SPACE)	138,257	138,257
18	1206432SF	POLAR MILSATCOM (SPACE)	190,235	190,235
19	1206442SF	NEXT GENERATION OPIR	2,318,864	2,318,864
20	1206853SF	NATIONAL SECURITY SPACE LAUNCH PROGRAM (SPACE)—EMD	560,978	590,978
		NSSL Phase 3 integration activities program		[30,000]
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION	**3,744,016**	**3,774,016**
		MANAGEMENT SUPPORT		
21	1206116SF	SPACE TEST AND TRAINING RANGE DEVELOPMENT	20,281	20,281
22	1206392SF	ACQ WORKFORCE—SPACE & MISSILE SYSTEMS	183,930	183,930
23	1206398SF	SPACE & MISSILE SYSTEMS CENTER—MHA	9,765	9,765
24	1206860SF	ROCKET SYSTEMS LAUNCH PROGRAM (SPACE)	17,993	17,993
25	1206864SF	SPACE TEST PROGRAM (STP)	26,541	26,541
		SUBTOTAL MANAGEMENT SUPPORT	**258,510**	**258,510**
		OPERATIONAL SYSTEM DEVELOPMENT		
26	1201017SF	GLOBAL SENSOR INTEGRATED ON NETWORK (GSIN)	3,708	3,708
27	1203001SF	FAMILY OF ADVANCED BLOS TERMINALS (FAB-T)	247,229	247,229
28	1203110SF	SATELLITE CONTROL NETWORK (SPACE)	75,480	75,480
29	1203165SF	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE AND CONTROL SEGMENTS)	1,984	1,984
30	1203173SF	SPACE AND MISSILE TEST AND EVALUATION CENTER	4,397	4,397
31	1203174SF	SPACE INNOVATION, INTEGRATION AND RAPID TECHNOLOGY DEVELOPMENT	44,746	44,746
32	1203182SF	SPACELIFT RANGE SYSTEM (SPACE)	11,020	11,020
33	1203265SF	GPS III SPACE SEGMENT	10,777	10,777
34	1203873SF	BALLISTIC MISSILE DEFENSE RADARS	28,179	46,679
		Cobra Dane service life extension		[18,500]
35	1203913SF	NUDET DETECTION SYSTEM (SPACE)	29,157	29,157
36	1203940SFZ	SPACE SITUATION AWARENESS OPERATIONS	44,809	51,809

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		Commercial SSA		[7,000]
37	1206423SF	GLOBAL POSITIONING SYSTEM III—OPERATIONAL CONTROL SEGMENT	481,999	416,999
		Funds available prioritized to other space missions		[–65,000]
41	1206770SF	ENTERPRISE GROUND SERVICES	116,791	116,791
999	9999999999	CLASSIFIED PROGRAMS	3,632,866	3,632,866
		SUBTOTAL OPERATIONAL SYSTEM DEVELOPMENT	**4,733,142**	**4,693,642**
		SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS		
42	1203614SF	JSPOC MISSION SYSTEM	149,742	149,742
		SUBTOTAL SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS	**149,742**	**149,742**
		TOTAL RDTE, SPACE FORCE	**10,327,595**	**10,301,095**
		RESEARCH, DEVELOPMENT, TEST & EVAL, DW		
		BASIC RESEARCH		
1	0601000BR	DTRA BASIC RESEARCH	14,617	14,617
2	0601101E	DEFENSE RESEARCH SCIENCES	479,958	479,958
3	0601110D8Z	BASIC RESEARCH INITIATIVES	35,565	72,565
		DEPSCoR		[20,000]
		Minerva Research initiative restore DWR cut		[17,000]
4	0601117E	BASIC OPERATIONAL MEDICAL RESEARCH SCIENCE	53,730	58,730
		Traumatic brain injury medical research		[5,000]
5	0601120D8Z	NATIONAL DEFENSE EDUCATION PROGRAM	100,241	100,241
6	0601228D8Z	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES/MINORITY INSTITUTIONS	30,975	37,975
		Aerospace education, research, and innovation activities		[2,000]
		HBCU/Minority Institutions		[5,000]
7	0601384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	45,300	45,300
		SUBTOTAL BASIC RESEARCH	**760,386**	**809,386**
		APPLIED RESEARCH		
8	0602000D8Z	JOINT MUNITIONS TECHNOLOGY	19,409	19,409
9	0602115E	BIOMEDICAL TECHNOLOGY	107,568	107,568
11	0602230D8Z	DEFENSE TECHNOLOGY INNOVATION	35,000	35,000
12	0602234D8Z	LINCOLN LABORATORY RESEARCH PROGRAM	41,080	41,080
13	0602251D8Z	APPLIED RESEARCH FOR THE ADVANCEMENT OF S&T PRIORITIES	60,722	60,722
14	0602303E	INFORMATION & COMMUNICATIONS TECHNOLOGY	435,920	435,920
15	0602383E	BIOLOGICAL WARFARE DEFENSE	26,950	26,950
16	0602384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	201,807	201,807
17	0602668D8Z	CYBER SECURITY RESEARCH	15,255	15,255
18	0602702E	TACTICAL TECHNOLOGY	233,271	233,271
19	0602715E	MATERIALS AND BIOLOGICAL TECHNOLOGY	250,107	290,107
		Increase in emerging biotech research		[40,000]
20	0602716E	ELECTRONICS TECHNOLOGY	322,693	322,693
21	0602718BR	COUNTER WEAPONS OF MASS DESTRUCTION APPLIED RESEARCH	174,571	174,571
22	0602751D8Z	SOFTWARE ENGINEERING INSTITUTE (SEI) APPLIED RESEARCH	9,573	9,573
23	1160401BB	SOF TECHNOLOGY DEVELOPMENT	42,464	42,464
		SUBTOTAL APPLIED RESEARCH	**1,976,390**	**2,016,390**
		ADVANCED TECHNOLOGY DEVELOPMENT		
24	0603000D8Z	JOINT MUNITIONS ADVANCED TECHNOLOGY	22,920	22,920
25	0603121D8Z	SO/LIC ADVANCED DEVELOPMENT	4,914	4,914
26	0603122D8Z	COMBATING TERRORISM TECHNOLOGY SUPPORT	51,089	51,089
27	0603133D8Z	FOREIGN COMPARATIVE TESTING	25,183	25,183
29	0603160BR	COUNTER WEAPONS OF MASS DESTRUCTION ADVANCED TECHNOLOGY DEVELOPMENT.	366,659	366,659
30	0603176C	ADVANCED CONCEPTS AND PERFORMANCE ASSESSMENT	14,910	14,910
32	0603180C	ADVANCED RESEARCH	18,687	18,687
33	0603225D8Z	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT	18,873	18,873
34	0603286E	ADVANCED AEROSPACE SYSTEMS	230,978	210,978
		OpFires lack of transition pathway		[–20,000]
35	0603287E	SPACE PROGRAMS AND TECHNOLOGY	158,439	158,439
36	0603288D8Z	ANALYTIC ASSESSMENTS	23,775	23,775
37	0603289D8Z	ADVANCED INNOVATIVE ANALYSIS AND CONCEPTS	36,524	36,524
38	0603291D8Z	ADVANCED INNOVATIVE ANALYSIS AND CONCEPTS—MHA	14,703	14,703
39	0603294C	COMMON KILL VEHICLE TECHNOLOGY	11,058	11,058
40	0603338D8Z	DEFENSE MODERNIZATION AND PROTOTYPING	133,375	126,375
		Lack of hypersonic prototype coordination efforts		[–20,000]
		Stratospheric balloon research		[13,000]
42	0603342D8Z	DEFENSE INNOVATION UNIT (DIU)	26,141	26,141
43	0603375D8Z	TECHNOLOGY INNOVATION	27,709	27,709
44	0603384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—ADVANCED DEVELOPMENT	188,001	188,001
45	0603527D8Z	RETRACT LARCH	130,283	130,283
46	0603618D8Z	JOINT ELECTRONIC ADVANCED TECHNOLOGY	15,164	15,164
47	0603648D8Z	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS	85,452	85,452
48	0603662D8Z	NETWORKED COMMUNICATIONS CAPABILITIES	5,882	5,882
49	0603680D8Z	DEFENSE-WIDE MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM	93,817	98,817
		Rapid prototyping using digital manufacturing		[5,000]
50	0603680S	MANUFACTURING TECHNOLOGY PROGRAM	40,025	55,025
		Defense supply chain technologies		[5,000]
		Steel performance initiative		[10,000]
52	0603712S	GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS	10,235	10,235
53	0603716D8Z	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM	53,862	53,862

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54	0603720S	MICROELECTRONICS TECHNOLOGY DEVELOPMENT AND SUPPORT	124,049	124,049
55	0603727D8Z	JOINT WARFIGHTING PROGRAM	3,871	3,871
56	0603739E	ADVANCED ELECTRONICS TECHNOLOGIES	95,864	95,864
57	0603760E	COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS	221,724	221,724
58	0603766E	NETWORK-CENTRIC WARFARE TECHNOLOGY	661,158	651,158
		Lack of coordination		[–10,000]
59	0603767E	SENSOR TECHNOLOGY	200,220	200,220
60	0603769D8Z	DISTRIBUTED LEARNING ADVANCED TECHNOLOGY DEVELOPMENT	6,765	6,765
61	0603781D8Z	SOFTWARE ENGINEERING INSTITUTE	12,598	12,598
64	0603924D8Z	HIGH ENERGY LASER ADVANCED TECHNOLOGY PROGRAM	105,410	105,410
65	0603941D8Z	TEST & EVALUATION SCIENCE & TECHNOLOGY	187,065	187,065
67	0604055D8Z	OPERATIONAL ENERGY CAPABILITY IMPROVEMENT	0	65,000
		Restoration of funds		[65,000]
70	1160402BB	SOF ADVANCED TECHNOLOGY DEVELOPMENT	89,072	89,072
71	1206310SDA	SPACE SCIENCE AND TECHNOLOGY RESEARCH AND DEVELOPMENT	72,422	72,422
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT	**3,588,876**	**3,636,876**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
72	0603161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E ADC&P	32,636	32,636
73	0603600D8Z	WALKOFF	106,529	106,529
75	0603851D8Z	ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM	61,345	76,345
		Joint Storage Program		[15,000]
76	0603881C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT	412,627	412,627
77	0603882C	BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT	1,004,305	1,004,305
78	0603884BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—DEM/VAL	76,167	76,167
79	0603884C	BALLISTIC MISSILE DEFENSE SENSORS	281,957	281,957
80	0603890C	BMD ENABLING PROGRAMS	599,380	599,380
81	0603891C	SPECIAL PROGRAMS—MDA	420,216	420,216
82	0603892C	AEGIS BMD	814,936	814,936
83	0603896C	BALLISTIC MISSILE DEFENSE COMMAND AND CONTROL, BATTLE MANAGEMENT AND COMMUNICATI.	593,353	593,353
84	0603898C	BALLISTIC MISSILE DEFENSE JOINT WARFIGHTER SUPPORT	49,560	49,560
85	0603904C	MISSILE DEFENSE INTEGRATION & OPERATIONS CENTER (MDIOC)	55,356	55,356
86	0603906C	REGARDING TRENCH	11,863	11,863
87	0603907C	SEA BASED X-BAND RADAR (SBX)	118,318	118,318
88	0603913C	ISRAELI COOPERATIVE PROGRAMS	300,000	300,000
89	0603914C	BALLISTIC MISSILE DEFENSE TEST	378,302	378,302
90	0603915C	BALLISTIC MISSILE DEFENSE TARGETS	536,133	536,133
92	0603923D8Z	COALITION WARFARE	10,129	10,129
93	0604011D8Z	NEXT GENERATION INFORMATION COMMUNICATIONS TECHNOLOGY (5G)	449,000	449,000
94	0604016D8Z	DEPARTMENT OF DEFENSE CORROSION PROGRAM	3,325	3,325
95	0604115C	TECHNOLOGY MATURATION INITIATIVES	67,389	67,389
98	0604181C	HYPERSONIC DEFENSE	206,832	206,832
99	0604250D8Z	ADVANCED INNOVATIVE TECHNOLOGIES	730,508	630,508
		Program decrease		[–100,000]
100	0604294D8Z	TRUSTED & ASSURED MICROELECTRONICS	489,076	489,076
101	0604331D8Z	RAPID PROTOTYPING PROGRAM	102,023	82,023
		Lack of hypersonic prototype coordination efforts		[–20,000]
102	0604341D8Z	DEFENSE INNOVATION UNIT (DIU) PROTOTYPING	13,255	13,255
103	0604400D8Z	DEPARTMENT OF DEFENSE (DOD) UNMANNED SYSTEM COMMON DEVELOPMENT	2,787	2,787
105	0604672C	HOMELAND DEFENSE RADAR—HAWAII (HDR-H)	0	162,000
		Continue radar development		[162,000]
107	0604682D8Z	WARGAMING AND SUPPORT FOR STRATEGIC ANALYSIS (SSA)	3,469	3,469
109	0604826J	JOINT C5 CAPABILITY DEVELOPMENT, INTEGRATION AND INTEROPERABILITY ASSESSMENTS.	19,190	19,190
110	0604873C	LONG RANGE DISCRIMINATION RADAR (LRDR)	137,256	137,256
111	0604874C	IMPROVED HOMELAND DEFENSE INTERCEPTORS	664,138	354,138
		Contract award delay		[–310,000]
112	0604876C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT TEST	7,768	7,768
113	0604878C	AEGIS BMD TEST	170,880	170,880
114	0604879C	BALLISTIC MISSILE DEFENSE SENSOR TEST	76,456	76,456
115	0604880C	LAND-BASED SM–3 (LBSM3)	56,628	133,428
		PDI: Guam Defense System—systems engineering		[76,800]
116	0604887C	BALLISTIC MISSILE DEFENSE MIDCOURSE SEGMENT TEST	67,071	67,071
118	0300206R	ENTERPRISE INFORMATION TECHNOLOGY SYSTEMS	2,198	2,198
119	0303191D8Z	JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM	997	997
120	0305103C	CYBER SECURITY INITIATIVE	1,148	1,148
121	1206410SDA	SPACE TECHNOLOGY DEVELOPMENT AND PROTOTYPING	215,994	325,994
		Execution of HBTSS by MDA		[–20,000]
		Space-based target custody layer		[130,000]
122	1206893C	SPACE TRACKING & SURVEILLANCE SYSTEM	34,144	34,144
123	1206895C	BALLISTIC MISSILE DEFENSE SYSTEM SPACE PROGRAMS	32,068	152,068
		Hypersonic and Ballistic Tracking Space Sensor (HBTSS)		[120,000]
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	**9,416,712**	**9,470,512**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
124	0604161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E SDD	7,173	7,173
126	0604384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—EMD	319,976	322,976
		Stryker NBCRV sensor suite upgrade		[3,000]
127	0604771D8Z	JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS)	54,985	54,985
128	0605000BR	COUNTER WEAPONS OF MASS DESTRUCTION SYSTEMS DEVELOPMENT	15,650	15,650
129	0605013BL	INFORMATION TECHNOLOGY DEVELOPMENT	1,441	1,441

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130	0605021SE	HOMELAND PERSONNEL SECURITY INITIATIVE	7,287	7,287
131	0605022D8Z	DEFENSE EXPORTABILITY PROGRAM	12,928	12,928
132	0605027D8Z	OUSD(C) IT DEVELOPMENT INITIATIVES	10,259	10,259
133	0605070S	DOD ENTERPRISE SYSTEMS DEVELOPMENT AND DEMONSTRATION	1,377	1,377
134	0605075D8Z	CMO POLICY AND INTEGRATION	1,648	1,648
135	0605080S	DEFENSE AGENCY INITIATIVES (DAI)—FINANCIAL SYSTEM	20,537	20,537
136	0605090S	DEFENSE RETIRED AND ANNUITANT PAY SYSTEM (DRAS)	1,638	1,638
137	0605141BR	MISSION ASSURANCE RISK MANAGEMENT SYSTEM (MARMS)	5,500	5,500
138	0605210D8Z	DEFENSE-WIDE ELECTRONIC PROCUREMENT CAPABILITIES	8,279	8,279
139	0605294D8Z	TRUSTED & ASSURED MICROELECTRONICS	107,585	107,585
140	0605772D8Z	NUCLEAR COMMAND, CONTROL, & COMMUNICATIONS	3,685	3,685
143	0305304D8Z	DOD ENTERPRISE ENERGY INFORMATION MANAGEMENT (EEIM)	3,275	3,275
144	0305310D8Z	CWMD SYSTEMS: SYSTEM DEVELOPMENT AND DEMONSTRATION	20,585	20,585
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION	**603,808**	**606,808**
		MANAGEMENT SUPPORT		
145	0603829J	JOINT CAPABILITY EXPERIMENTATION	11,239	11,239
146	0604774D8Z	DEFENSE READINESS REPORTING SYSTEM (DRRS)	9,793	9,793
147	0604875D8Z	JOINT SYSTEMS ARCHITECTURE DEVELOPMENT	8,497	8,497
148	0604940D8Z	CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT (CTEIP)	422,451	452,451
		Joint Counter-UAS Office assessment infrastructure		[15,000]
		Telemetry range extension wave glider relay		[15,000]
149	0604942D8Z	ASSESSMENTS AND EVALUATIONS	18,379	18,379
150	0605001E	MISSION SUPPORT	74,334	74,334
151	0605100D8Z	JOINT MISSION ENVIRONMENT TEST CAPABILITY (JMETC)	79,046	79,046
153	0605126J	JOINT INTEGRATED AIR AND MISSILE DEFENSE ORGANIZATION (JIAMDO)	50,255	50,255
155	0605142D8Z	SYSTEMS ENGINEERING	49,376	49,376
156	0605151D8Z	STUDIES AND ANALYSIS SUPPORT—OSD	5,777	7,777
		National Academies of Science study on comparison of talent programs		[2,000]
157	0605161D8Z	NUCLEAR MATTERS-PHYSICAL SECURITY	16,552	16,552
158	0605170D8Z	SUPPORT TO NETWORKS AND INFORMATION INTEGRATION	9,582	9,582
159	0605200D8Z	GENERAL SUPPORT TO USD (INTELLIGENCE)	1,940	1,940
160	0605384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	122,951	122,951
167	0605790D8Z	SMALL BUSINESS INNOVATION RESEARCH (SBIR)/ SMALL BUSINESS TECHNOLOGY TRANSFER.	3,582	3,582
168	0605797D8Z	MAINTAINING TECHNOLOGY ADVANTAGE	29,566	29,566
169	0605798D8Z	DEFENSE TECHNOLOGY ANALYSIS	29,059	29,059
170	0605801KA	DEFENSE TECHNICAL INFORMATION CENTER (DTIC)	59,369	9,369
		Insufficient progress on data sharing and open repositories		[–50,000]
171	0605803SE	R&D IN SUPPORT OF DOD ENLISTMENT, TESTING AND EVALUATION	29,420	29,420
172	0605804D8Z	DEVELOPMENT TEST AND EVALUATION	27,198	27,198
173	0605898E	MANAGEMENT HQ—R&D	13,434	13,434
174	0605998KA	MANAGEMENT HQ—DEFENSE TECHNICAL INFORMATION CENTER (DTIC)	2,837	2,837
175	0606100D8Z	BUDGET AND PROGRAM ASSESSMENTS	13,173	13,173
176	0606225D8Z	ODNA TECHNOLOGY AND RESOURCE ANALYSIS	3,200	3,200
177	0606589D8W	DEFENSE DIGITAL SERVICE (DDS) DEVELOPMENT SUPPORT	999	999
180	0203345D8Z	DEFENSE OPERATIONS SECURITY INITIATIVE (DOSI)	3,099	3,099
181	0204571J	JOINT STAFF ANALYTICAL SUPPORT	3,058	3,058
182	0208045K	C4I INTEROPERABILITY	59,813	59,813
185	0303140SE	INFORMATION SYSTEMS SECURITY PROGRAM	1,112	1,112
186	0303166J	SUPPORT TO INFORMATION OPERATIONS (IO) CAPABILITIES	545	545
187	0303260D8Z	DEFENSE MILITARY DECEPTION PROGRAM OFFICE (DMDPO)	1,036	1,036
188	0305172K	COMBINED ADVANCED APPLICATIONS	30,824	30,824
190	0305208K	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	3,048	3,048
194	0804768J	COCOM EXERCISE ENGAGEMENT AND TRAINING TRANSFORMATION (CE2T2)—NON-MHA.	31,125	31,125
195	0808709SE	DEFENSE EQUAL OPPORTUNITY MANAGEMENT INSTITUTE (DEOMI)	100	100
196	0901598C	MANAGEMENT HQ—MDA	26,902	26,902
197	0903235K	JOINT SERVICE PROVIDER (JSP)	3,138	3,138
999	9999999999	CLASSIFIED PROGRAMS	41,583	41,583
		SUBTOTAL MANAGEMENT SUPPORT	**1,297,392**	**1,279,392**
		OPERATIONAL SYSTEMS DEVELOPMENT		
199	0604130V	ENTERPRISE SECURITY SYSTEM (ESS)	14,378	14,378
200	0604532K	JOINT ARTIFICIAL INTELLIGENCE	132,058	132,058
201	0605127T	REGIONAL INTERNATIONAL OUTREACH (RIO) AND PARTNERSHIP FOR PEACE INFORMATION MANA.	1,986	1,986
202	0605147T	OVERSEAS HUMANITARIAN ASSISTANCE SHARED INFORMATION SYSTEM (OHASIS).	316	316
203	0607210D8Z	INDUSTRIAL BASE ANALYSIS AND SUSTAINMENT SUPPORT	9,151	70,151
		Advanced machine tool research		[20,000]
		Cold spray manufacturing technologies		[5,000]
		Domestic organic LED manufacturing		[5,000]
		Implementation of radar supplier resiliency plan		[5,000]
		Manufacturing for reuse of NdFeB magnets		[6,000]
		Submarine industrial base workforce training pipeline		[20,000]
204	0607310D8Z	CWMD SYSTEMS: OPERATIONAL SYSTEMS DEVELOPMENT	19,082	19,082
205	0607327T	GLOBAL THEATER SECURITY COOPERATION MANAGEMENT INFORMATION SYSTEMS (G-TSCMIS).	3,992	3,992
206	0607384BP	CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS DEVELOPMENT)	39,530	39,530
207	0208043J	PLANNING AND DECISION AID SYSTEM (PDAS)	3,039	3,039
212	0302019K	DEFENSE INFO INFRASTRUCTURE ENGINEERING AND INTEGRATION	16,324	16,324

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2021 Request	Senate Authorized
213	0303126K	LONG-HAUL COMMUNICATIONS—DCS	11,884	11,884
214	0303131K	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN)	5,560	5,560
215	0303136G	KEY MANAGEMENT INFRASTRUCTURE (KMI)	73,356	73,356
216	0303140D8Z	INFORMATION SYSTEMS SECURITY PROGRAM	46,577	66,577
		Workforce transformation cyber initiative pilot program		[20,000]
217	0303140G	INFORMATION SYSTEMS SECURITY PROGRAM	356,713	356,713
218	0303140K	INFORMATION SYSTEMS SECURITY PROGRAM	8,922	18,922
		Execution of orchestration pilot		[10,000]
219	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM	3,695	3,695
220	0303153K	DEFENSE SPECTRUM ORGANIZATION	20,113	20,113
223	0303228K	JOINT REGIONAL SECURITY STACKS (JRSS)	9,728	9,242
		JRSS SIPR funding		[–486]
231	0305128V	SECURITY AND INVESTIGATIVE ACTIVITIES	5,700	5,700
235	0305186D8Z	POLICY R&D PROGRAMS	7,144	7,144
236	0305199D8Z	NET CENTRICITY	21,793	21,793
238	0305208BB	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	6,066	6,066
245	0305387D8Z	HOMELAND DEFENSE TECHNOLOGY TRANSFER PROGRAM	2,190	2,190
252	0708012K	LOGISTICS SUPPORT ACTIVITIES	1,654	1,654
253	0708012S	PACIFIC DISASTER CENTERS	1,785	1,785
254	0708047S	DEFENSE PROPERTY ACCOUNTABILITY SYSTEM	7,301	7,301
256	1105219BB	MQ–9 UAV	21,265	21,265
258	1160403BB	AVIATION SYSTEMS	230,812	230,812
259	1160405BB	INTELLIGENCE SYSTEMS DEVELOPMENT	19,558	19,558
260	1160408BB	OPERATIONAL ENHANCEMENTS	136,041	136,041
261	1160431BB	WARRIOR SYSTEMS	59,511	58,311
		MMP-Light unexecutable, transfer to man-pack		[–1,200]
262	1160432BB	SPECIAL PROGRAMS	10,500	10,500
263	1160434BB	UNMANNED ISR	19,154	19,154
264	1160480BB	SOF TACTICAL VEHICLES	9,263	9,263
265	1160483BB	MARITIME SYSTEMS	59,882	59,882
266	1160489BB	GLOBAL VIDEO SURVEILLANCE ACTIVITIES	4,606	4,606
267	1160490BB	OPERATIONAL ENHANCEMENTS INTELLIGENCE	11,612	11,612
268	1203610K	TELEPORT PROGRAM	3,239	3,239
999	9999999999	CLASSIFIED PROGRAMS	4,746,466	4,746,466
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	**6,161,946**	**6,251,260**
		SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS		
269	0608197V	NATIONAL BACKGROUND INVESTIGATION SERVICES—SOFTWARE PILOT PROGRAM.	121,676	121,676
270	0608648D8Z	ACQUISITION VISIBILITY—SOFTWARE PILOT PROGRAM	16,848	16,848
271	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM	86,750	86,750
272	0308588D8Z	ALGORITHMIC WARFARE CROSS FUNCTIONAL TEAMS—SOFTWARE PILOT PROGRAM.	250,107	250,107
		SUBTOTAL SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS	**475,381**	**475,381**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, DW	**24,280,891**	**24,546,005**
		OPERATIONAL TEST & EVAL, DEFENSE		
		MANAGEMENT SUPPORT		
1	0605118OTE	OPERATIONAL TEST AND EVALUATION	100,021	100,021
2	0605131OTE	LIVE FIRE TEST AND EVALUATION	70,933	70,933
3	0605814OTE	OPERATIONAL TEST ACTIVITIES AND ANALYSES	39,136	66,136
		Advanced satellite navigation receiver		[5,000]
		Joint Test and Evaluation DWR funding restoration		[22,000]
		SUBTOTAL MANAGEMENT SUPPORT	**210,090**	**237,090**
		TOTAL OPERATIONAL TEST & EVAL, DEFENSE	**210,090**	**237,090**
		TOTAL RDT&E	**106,224,793**	**106,660,645**

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Program Element	Item	FY 2021 Request	Senate Authorized
		RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY		
		APPLIED RESEARCH		
16	0602145A	NEXT GENERATION COMBAT VEHICLE TECHNOLOGY	2,000	2,000
		SUBTOTAL APPLIED RESEARCH	**2,000**	**2,000**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
80	0603327A	AIR AND MISSILE DEFENSE SYSTEMS ENGINEERING	500	500
114	0604785A	INTEGRATED BASE DEFENSE (BUDGET ACTIVITY 4)	2,020	2,020
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	**2,520**	**2,520**

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Program Element	Item	FY 2021 Request	Senate Authorized
		SYSTEM DEVELOPMENT & DEMONSTRATION		
131	0604741A	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE—ENG DEV	27,000	27,000
159	0605035A	COMMON INFRARED COUNTERMEASURES (CIRCM)	2,300	2,300
166	0605051A	AIRCRAFT SURVIVABILITY DEVELOPMENT	64,625	64,625
183	0304270A	ELECTRONIC WARFARE DEVELOPMENT	3,900	3,900
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION	**97,825**	**97,825**
		MANAGEMENT SUPPORT		
198	0605709A	EXPLOITATION OF FOREIGN ITEMS	1,000	1,000
209	0606003A	COUNTERINTEL AND HUMAN INTEL MODERNIZATION	4,137	4,137
		SUBTOTAL MANAGEMENT SUPPORT	**5,137**	**5,137**
		OPERATIONAL SYSTEMS DEVELOPMENT		
239	0203802A	OTHER MISSILE PRODUCT IMPROVEMENT PROGRAMS	2,300	2,300
248	0303028A	SECURITY AND INTELLIGENCE ACTIVITIES	23,367	23,367
257	0305204A	TACTICAL UNMANNED AERIAL VEHICLES	34,100	34,100
258	0305206A	AIRBORNE RECONNAISSANCE SYSTEMS	15,575	15,575
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	**75,342**	**75,342**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY	**182,824**	**182,824**
		RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY		
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
39	0603527N	RETRACT LARCH	36,500	36,500
58	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	14,461	14,461
63	0603734N	CHALK CORAL	3,000	3,000
71	0603795N	LAND ATTACK TECHNOLOGY	1,457	1,457
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	**55,418**	**55,418**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
142	0604755N	SHIP SELF DEFENSE (DETECT & CONTROL)	1,144	1,144
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION	**1,144**	**1,144**
		OPERATIONAL SYSTEMS DEVELOPMENT		
229	0206625M	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP)	3,000	3,000
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	**3,000**	**3,000**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY	**59,562**	**59,562**
		RESEARCH, DEVELOPMENT, TEST & EVAL, AF		
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
65	0305601F	MISSION PARTNER ENVIRONMENTS		6,500
		EDI: Mission Partner Environment (MPE)		[6,500]
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		**6,500**
		OPERATIONAL SYSTEMS DEVELOPMENT		
185	0205671F	JOINT COUNTER RCIED ELECTRONIC WARFARE	4,080	4,080
228	0208288F	INTEL DATA APPLICATIONS	1,224	1,224
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	**5,304**	**5,304**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, AF	**5,304**	**11,804**
		RESEARCH, DEVELOPMENT, TEST & EVAL, DW		
		APPLIED RESEARCH		
10	0602134BR	COUNTER IMPROVISED-THREAT ADVANCED STUDIES	3,699	3,699
		SUBTOTAL APPLIED RESEARCH	**3,699**	**3,699**
		ADVANCED TECHNOLOGY DEVELOPMENT		
26	0603122D8Z	COMBATING TERRORISM TECHNOLOGY SUPPORT	19,288	19,288
28	0603134BR	COUNTER IMPROVISED-THREAT SIMULATION	3,861	3,861
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT	**23,149**	**23,149**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
97	0604134BR	COUNTER IMPROVISED-THREAT DEMONSTRATION, PROTOTYPE DEVELOPMENT, AND TESTING.	19,931	19,931
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	**19,931**	**19,931**
	9999999999	CLASSIFIED PROGRAMS	24,057	24,057
		OPERATIONAL SYSTEMS DEVELOPMENT		
260	1160408BB	OPERATIONAL ENHANCEMENTS	1,186	1,186
261	1160431BB	WARRIOR SYSTEMS	5,796	5,796
263	1160434BB	UNMANNED ISR	5,000	5,000
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	**36,039**	**36,039**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, DW	**82,818**	**82,818**
		TOTAL RDT&E	**330,508**	**337,008**

TITLE XLIII—OPERATION AND MAINTENANCE

SEC. 4301. OPERATION AND MAINTENANCE.

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Senate Authorized
	OPERATION & MAINTENANCE, ARMY		
	OPERATING FORCES		
020	MODULAR SUPPORT BRIGADES	159,834	159,834
030	ECHELONS ABOVE BRIGADE	663,751	663,751
040	THEATER LEVEL ASSETS	956,477	956,477
050	LAND FORCES OPERATIONS SUPPORT	1,157,635	1,167,935
	Joint Counter-UAS IOC acceleration		[10,300]
060	AVIATION ASSETS	1,453,024	1,453,024
070	FORCE READINESS OPERATIONS SUPPORT	4,713,660	4,713,660
080	LAND FORCES SYSTEMS READINESS	404,161	404,161
090	LAND FORCES DEPOT MAINTENANCE	1,413,359	1,413,359
100	BASE OPERATIONS SUPPORT	8,220,093	8,346,093
	Child Development Center playground equipment and furniture increases		[79,000]
	Child Youth Service improvements		[47,000]
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	3,581,071	3,815,531
	FSRM increase		[62,360]
	MDTF EUCOM and INDOPACOM FSRM		[126,800]
	Revitalization of Army deployment infrastructure		[45,300]
120	MANAGEMENT AND OPERATIONAL HEADQUARTERS	411,844	411,844
160	US AFRICA COMMAND	239,387	341,887
	AFRICOM force protection upgrades		[2,500]
	AFRICOM ISR improvements		[64,000]
	AFRICOM UFR CASEVAC improvements		[36,000]
170	US EUROPEAN COMMAND	160,761	160,761
180	US SOUTHERN COMMAND	197,826	197,826
190	US FORCES KOREA	65,152	65,152
200	CYBERSPACE ACTIVITIES—CYBERSPACE OPERATIONS	430,109	435,109
	Additional access and operations support		[5,000]
210	CYBERSPACE ACTIVITIES—CYBERSECURITY	464,117	464,117
	SUBTOTAL OPERATING FORCES	**24,692,261**	**25,170,521**
	MOBILIZATION		
220	STRATEGIC MOBILITY	402,236	402,236
230	ARMY PREPOSITIONED STOCKS	324,306	324,306
240	INDUSTRIAL PREPAREDNESS	3,653	3,653
	SUBTOTAL MOBILIZATION	**730,195**	**730,195**
	TRAINING AND RECRUITING		
250	OFFICER ACQUISITION	165,142	165,142
260	RECRUIT TRAINING	76,509	76,509
270	ONE STATION UNIT TRAINING	88,523	88,523
280	SENIOR RESERVE OFFICERS TRAINING CORPS	535,578	535,578
290	SPECIALIZED SKILL TRAINING	981,436	981,436
300	FLIGHT TRAINING	1,204,768	1,204,768
310	PROFESSIONAL DEVELOPMENT EDUCATION	215,195	215,195
320	TRAINING SUPPORT	575,232	575,232
330	RECRUITING AND ADVERTISING	722,612	722,612
340	EXAMINING	185,522	185,522
350	OFF-DUTY AND VOLUNTARY EDUCATION	221,503	221,503
360	CIVILIAN EDUCATION AND TRAINING	154,651	154,651
370	JUNIOR RESERVE OFFICER TRAINING CORPS	173,286	173,286
	SUBTOTAL TRAINING AND RECRUITING	**5,299,957**	**5,299,957**
	ADMIN & SRVWIDE ACTIVITIES		
390	SERVICEWIDE TRANSPORTATION	491,926	466,926
	Historical underexecution		[–25,000]
400	CENTRAL SUPPLY ACTIVITIES	812,613	812,613
410	LOGISTIC SUPPORT ACTIVITIES	676,178	676,178
420	AMMUNITION MANAGEMENT	437,774	437,774
430	ADMINISTRATION	438,048	438,048
440	SERVICEWIDE COMMUNICATIONS	1,638,872	1,638,872
450	MANPOWER MANAGEMENT	300,046	300,046
460	OTHER PERSONNEL SUPPORT	701,103	700,103
	Historical underexecution		[–4,000]
	Servicewomen's commemorative partnerships		[3,000]
470	OTHER SERVICE SUPPORT	1,887,133	1,887,133
480	ARMY CLAIMS ACTIVITIES	195,291	195,291
490	REAL ESTATE MANAGEMENT	229,537	229,537
500	FINANCIAL MANAGEMENT AND AUDIT READINESS	306,370	306,370
510	INTERNATIONAL MILITARY HEADQUARTERS	373,030	373,030
520	MISC. SUPPORT OF OTHER NATIONS	32,719	32,719
9999	CLASSIFIED PROGRAMS	1,069,915	1,069,915
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES	**9,590,555**	**9,564,555**
	UNDISTRIBUTED		
999	UNDISTRIBUTED	0	–458,901
	COVID-related ops/training slowdown		[–185,801]
	Excessive standard price for fuel		[–135,400]

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Senate Authorized
	Foreign currency adjustments		[–137,700]
	SUBTOTAL UNDISTRIBUTED	**0**	**–458,901**
	TOTAL OPERATION & MAINTENANCE, ARMY	**40,312,968**	**40,306,327**
	OPERATION & MAINTENANCE, ARMY RES		
	OPERATING FORCES		
010	MODULAR SUPPORT BRIGADES	10,784	10,784
020	ECHELONS ABOVE BRIGADE	530,425	530,425
030	THEATER LEVEL ASSETS	123,737	123,737
040	LAND FORCES OPERATIONS SUPPORT	589,582	589,582
050	AVIATION ASSETS	89,332	89,332
060	FORCE READINESS OPERATIONS SUPPORT	387,545	387,545
070	LAND FORCES SYSTEMS READINESS	97,569	97,569
080	LAND FORCES DEPOT MAINTENANCE	43,148	43,148
090	BASE OPERATIONS SUPPORT	587,098	587,098
100	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	327,180	332,440
	FSRM increase		[5,260]
110	MANAGEMENT AND OPERATIONAL HEADQUARTERS	28,783	28,783
120	CYBERSPACE ACTIVITIES—CYBERSPACE OPERATIONS	2,745	2,745
130	CYBERSPACE ACTIVITIES—CYBERSECURITY	7,438	7,438
	SUBTOTAL OPERATING FORCES	**2,825,366**	**2,830,626**
	ADMIN & SRVWD ACTIVITIES		
140	SERVICEWIDE TRANSPORTATION	15,530	15,530
150	ADMINISTRATION	17,761	17,761
160	SERVICEWIDE COMMUNICATIONS	14,256	14,256
170	MANPOWER MANAGEMENT	6,564	6,564
180	RECRUITING AND ADVERTISING	55,240	55,240
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**109,351**	**109,351**
	UNDISTRIBUTED		
999	UNDISTRIBUTED	0	–16,699
	COVID-related ops/training slowdown		[–11,999]
	Excessive standard price for fuel		[–4,700]
	SUBTOTAL UNDISTRIBUTED	**0**	**–16,699**
	TOTAL OPERATION & MAINTENANCE, ARMY RES	**2,934,717**	**2,923,278**
	OPERATION & MAINTENANCE, ARNG		
	OPERATING FORCES		
010	MANEUVER UNITS	769,449	769,449
020	MODULAR SUPPORT BRIGADES	204,604	204,604
030	ECHELONS ABOVE BRIGADE	812,072	812,072
040	THEATER LEVEL ASSETS	103,650	103,650
050	LAND FORCES OPERATIONS SUPPORT	32,485	32,485
060	AVIATION ASSETS	1,011,142	1,011,142
070	FORCE READINESS OPERATIONS SUPPORT	712,881	712,881
080	LAND FORCES SYSTEMS READINESS	47,732	47,732
090	LAND FORCES DEPOT MAINTENANCE	265,408	265,408
100	BASE OPERATIONS SUPPORT	1,106,704	1,106,704
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	876,032	887,252
	FSRM increase		[11,220]
120	MANAGEMENT AND OPERATIONAL HEADQUARTERS	1,050,257	1,050,257
130	CYBERSPACE ACTIVITIES—CYBERSPACE OPERATIONS	7,998	10,998
	Pilot program for National Guard cybersecurity		[3,000]
140	CYBERSPACE ACTIVITIES—CYBERSECURITY	7,756	7,756
	SUBTOTAL OPERATING FORCES	**7,008,170**	**7,022,390**
	ADMIN & SRVWD ACTIVITIES		
150	SERVICEWIDE TRANSPORTATION	8,018	8,018
160	ADMINISTRATION	74,309	74,309
170	SERVICEWIDE COMMUNICATIONS	66,140	66,140
180	MANPOWER MANAGEMENT	9,087	9,087
190	OTHER PERSONNEL SUPPORT	251,714	251,714
200	REAL ESTATE MANAGEMENT	2,576	2,576
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**411,844**	**411,844**
	UNDISTRIBUTED		
999	UNDISTRIBUTED	0	–74,172
	COVID-related ops/training slowdown		[–36,372]
	Excessive standard price for fuel		[–37,800]
	SUBTOTAL UNDISTRIBUTED	**0**	**–74,172**
	TOTAL OPERATION & MAINTENANCE, ARNG	**7,420,014**	**7,360,062**
	OPERATION & MAINTENANCE, NAVY		
	OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	5,738,746	5,738,746
020	FLEET AIR TRAINING	2,213,673	2,213,673
030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES	57,144	57,144
040	AIR OPERATIONS AND SAFETY SUPPORT	171,949	171,949

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Senate Authorized
050	AIR SYSTEMS SUPPORT	838,767	838,767
060	AIRCRAFT DEPOT MAINTENANCE	1,459,447	1,459,447
070	AIRCRAFT DEPOT OPERATIONS SUPPORT	57,789	57,789
080	AVIATION LOGISTICS	1,264,665	1,264,665
100	SHIP OPERATIONS SUPPORT & TRAINING	1,117,067	1,117,067
110	SHIP DEPOT MAINTENANCE	7,859,104	7,859,104
120	SHIP DEPOT OPERATIONS SUPPORT	2,262,196	2,262,196
130	COMBAT COMMUNICATIONS AND ELECTRONIC WARFARE	1,521,360	1,521,360
140	SPACE SYSTEMS AND SURVEILLANCE	274,087	274,087
150	WARFARE TACTICS	741,609	741,609
160	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	401,382	401,382
170	COMBAT SUPPORT FORCES	1,546,273	1,546,273
180	EQUIPMENT MAINTENANCE AND DEPOT OPERATIONS SUPPORT	177,951	177,951
190	COMBATANT COMMANDERS CORE OPERATIONS	61,484	66,484
	PDI: Asia-Pacific Regional Initiative		[5,000]
200	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	102,330	110,630
	PDI: Joint Task Force Indo-Pacific (SOCPAC)		[6,300]
	PDI: Singapore CTIF fusion center		[2,000]
210	MILITARY INFORMATION SUPPORT OPERATIONS	8,810	26,510
	PDI: Countering Chinese malign influence in Indo-Pacific		[17,700]
220	CYBERSPACE ACTIVITIES	567,496	567,496
230	FLEET BALLISTIC MISSILE	1,428,102	1,428,102
240	WEAPONS MAINTENANCE	995,762	995,762
250	OTHER WEAPON SYSTEMS SUPPORT	524,008	524,008
260	ENTERPRISE INFORMATION	1,229,056	1,229,056
270	SUSTAINMENT, RESTORATION AND MODERNIZATION	3,453,099	3,453,099
280	BASE OPERATING SUPPORT	4,627,966	4,627,966
	SUBTOTAL OPERATING FORCES	**40,701,322**	**40,732,322**
	MOBILIZATION		
290	SHIP PREPOSITIONING AND SURGE	849,993	849,993
300	READY RESERVE FORCE	436,029	436,029
310	SHIP ACTIVATIONS/INACTIVATIONS	286,416	286,416
320	EXPEDITIONARY HEALTH SERVICES SYSTEMS	99,402	111,002
	USNS Mercy SLEP		[11,600]
330	COAST GUARD SUPPORT	25,235	25,235
	SUBTOTAL MOBILIZATION	**1,697,075**	**1,708,675**
	TRAINING AND RECRUITING		
340	OFFICER ACQUISITION	186,117	186,117
350	RECRUIT TRAINING	13,206	13,206
360	RESERVE OFFICERS TRAINING CORPS	163,683	163,683
370	SPECIALIZED SKILL TRAINING	947,841	947,841
380	PROFESSIONAL DEVELOPMENT EDUCATION	367,647	367,647
390	TRAINING SUPPORT	254,928	254,928
400	RECRUITING AND ADVERTISING	206,305	206,305
410	OFF-DUTY AND VOLUNTARY EDUCATION	103,799	103,799
420	CIVILIAN EDUCATION AND TRAINING	66,060	66,060
430	JUNIOR ROTC	56,276	56,276
	SUBTOTAL TRAINING AND RECRUITING	**2,365,862**	**2,365,862**
	ADMIN & SRVWD ACTIVITIES		
440	ADMINISTRATION	1,249,410	1,249,410
450	CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT	189,625	189,625
460	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	499,904	499,904
470	MEDICAL ACTIVITIES	196,747	196,747
480	SERVICEWIDE TRANSPORTATION	165,708	165,708
500	PLANNING, ENGINEERING, AND PROGRAM SUPPORT	519,716	524,716
	Energy Security Programs Office		[5,000]
510	ACQUISITION, LOGISTICS, AND OVERSIGHT	751,184	751,184
520	INVESTIGATIVE AND SECURITY SERVICES	747,519	747,519
9999	CLASSIFIED PROGRAMS	608,670	608,670
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**4,928,483**	**4,933,483**
	UNDISTRIBUTED		
999	UNDISTRIBUTED	0	–629,787
	COVID-related ops/training slowdown		[–54,987]
	Excessive standard price for fuel		[–526,100]
	Foreign currency adjustments		[–48,700]
	SUBTOTAL UNDISTRIBUTED	**0**	**–629,787**
	TOTAL OPERATION & MAINTENANCE, NAVY	**49,692,742**	**49,110,555**
	OPERATION & MAINTENANCE, MARINE CORPS		
	OPERATING FORCES		
010	OPERATIONAL FORCES	941,143	941,143
020	FIELD LOGISTICS	1,277,798	1,277,798
030	DEPOT MAINTENANCE	206,907	206,907
040	MARITIME PREPOSITIONING	103,614	103,614
050	CYBERSPACE ACTIVITIES	215,974	215,974
060	SUSTAINMENT, RESTORATION & MODERNIZATION	938,063	938,063
070	BASE OPERATING SUPPORT	2,264,680	2,264,680

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Senate Authorized
	SUBTOTAL OPERATING FORCES	**5,948,179**	**5,948,179**
	TRAINING AND RECRUITING		
080	RECRUIT TRAINING	20,751	20,751
090	OFFICER ACQUISITION	1,193	1,193
100	SPECIALIZED SKILL TRAINING	110,149	110,149
110	PROFESSIONAL DEVELOPMENT EDUCATION	69,509	69,509
120	TRAINING SUPPORT	412,613	412,613
130	RECRUITING AND ADVERTISING	215,464	215,464
140	OFF-DUTY AND VOLUNTARY EDUCATION	33,719	33,719
150	JUNIOR ROTC	25,784	25,784
	SUBTOTAL TRAINING AND RECRUITING	**889,182**	**889,182**
	ADMIN & SRVWD ACTIVITIES		
160	SERVICEWIDE TRANSPORTATION	32,005	32,005
170	ADMINISTRATION	399,363	399,363
9999	CLASSIFIED PROGRAMS	59,878	59,878
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**491,246**	**491,246**
	UNDISTRIBUTED		
999	UNDISTRIBUTED	0	–28,257
	COVID-related ops/training slowdown		[–7,457]
	Excessive standard price for fuel		[–7,300]
	Foreign currency adjustments		[–13,500]
	SUBTOTAL UNDISTRIBUTED	**0**	**–28,257**
	TOTAL OPERATION & MAINTENANCE, MARINE CORPS	**7,328,607**	**7,300,350**
	OPERATION & MAINTENANCE, NAVY RES		
	OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	635,070	635,070
020	INTERMEDIATE MAINTENANCE	8,713	8,713
030	AIRCRAFT DEPOT MAINTENANCE	105,088	105,088
040	AIRCRAFT DEPOT OPERATIONS SUPPORT	398	398
050	AVIATION LOGISTICS	27,284	27,284
070	COMBAT COMMUNICATIONS	17,894	17,894
080	COMBAT SUPPORT FORCES	132,862	132,862
090	CYBERSPACE ACTIVITIES	453	453
100	ENTERPRISE INFORMATION	26,073	26,073
110	SUSTAINMENT, RESTORATION AND MODERNIZATION	48,762	48,762
120	BASE OPERATING SUPPORT	103,580	103,580
	SUBTOTAL OPERATING FORCES	**1,106,177**	**1,106,177**
	ADMIN & SRVWD ACTIVITIES		
130	ADMINISTRATION	1,927	1,927
140	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	15,895	15,895
150	ACQUISITION AND PROGRAM MANAGEMENT	3,047	3,047
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**20,869**	**20,869**
	UNDISTRIBUTED		
999	UNDISTRIBUTED	0	–30,938
	COVID-related ops/training slowdown		[–6,438]
	Excessive standard price for fuel		[–24,500]
	SUBTOTAL UNDISTRIBUTED	**0**	**–30,938**
	TOTAL OPERATION & MAINTENANCE, NAVY RES	**1,127,046**	**1,096,108**
	OPERATION & MAINTENANCE, MC RESERVE		
	OPERATING FORCES		
010	OPERATING FORCES	104,616	104,616
020	DEPOT MAINTENANCE	17,053	17,053
030	SUSTAINMENT, RESTORATION AND MODERNIZATION	41,412	41,412
040	BASE OPERATING SUPPORT	107,773	107,773
	SUBTOTAL OPERATING FORCES	**270,854**	**270,854**
	ADMIN & SRVWD ACTIVITIES		
050	ADMINISTRATION	13,802	13,802
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**13,802**	**13,802**
	UNDISTRIBUTED		
999	UNDISTRIBUTED	0	–1,246
	COVID-related ops/training slowdown		[–1,046]
	Excessive standard price for fuel		[–200]
	SUBTOTAL UNDISTRIBUTED	**0**	**–1,246**
	TOTAL OPERATION & MAINTENANCE, MC RESERVE	**284,656**	**283,410**
	OPERATION & MAINTENANCE, AIR FORCE		
	OPERATING FORCES		
010	PRIMARY COMBAT FORCES	731,511	733,211
	Premature reduction of A–10 squadrons		[1,700]
020	COMBAT ENHANCEMENT FORCES	1,275,485	1,275,485

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Senate Authorized
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	1,437,095	1,449,495
	Premature reduction of A–10 squadrons		[12,400]
050	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	3,241,216	3,343,016
	FSRM increase		[101,800]
060	CYBERSPACE SUSTAINMENT	235,816	235,816
070	CONTRACTOR LOGISTICS SUPPORT AND SYSTEM SUPPORT	1,508,342	1,477,897
	Transfer to OCO		[–30,445]
080	FLYING HOUR PROGRAM	4,458,457	4,564,157
	KC–10 tanker divestment reversal		[16,200]
	KC–135 tanker divestment reversal		[36,600]
	Premature reduction of A–10 squadrons		[52,900]
090	BASE SUPPORT	7,497,288	7,497,288
100	GLOBAL C3I AND EARLY WARNING	849,842	880,642
	PDI: Mission Partner Environment implementation		[30,800]
110	OTHER COMBAT OPS SPT PROGRAMS	1,067,055	1,067,055
120	CYBERSPACE ACTIVITIES	698,579	698,579
150	SPACE CONTROL SYSTEMS	34,194	34,194
160	US NORTHCOM/NORAD	204,268	204,268
170	US STRATCOM	526,809	526,809
180	US CYBERCOM	314,524	356,224
	Additional access and operations support		[25,000]
	Hunt Forward missions		[13,800]
	Secure the DODIN		[2,900]
190	US CENTCOM	186,116	186,116
200	US SOCOM	9,881	9,881
210	US TRANSCOM	1,046	1,046
230	USSPACECOM	249,022	249,022
9999	CLASSIFIED PROGRAMS	1,289,339	1,289,339
	SUBTOTAL OPERATING FORCES	**25,815,885**	**26,079,540**
	MOBILIZATION		
240	AIRLIFT OPERATIONS	1,350,031	1,350,031
250	MOBILIZATION PREPAREDNESS	647,168	647,168
	SUBTOTAL MOBILIZATION	**1,997,199**	**1,997,199**
	TRAINING AND RECRUITING		
260	OFFICER ACQUISITION	142,548	142,548
270	RECRUIT TRAINING	25,720	25,720
280	RESERVE OFFICERS TRAINING CORPS (ROTC)	128,295	128,295
290	SPECIALIZED SKILL TRAINING	417,335	417,335
300	FLIGHT TRAINING	615,033	615,033
310	PROFESSIONAL DEVELOPMENT EDUCATION	298,795	298,795
320	TRAINING SUPPORT	85,844	85,844
330	RECRUITING AND ADVERTISING	155,065	135,065
	Ahead of need		[–20,000]
340	EXAMINING	4,474	4,474
350	OFF-DUTY AND VOLUNTARY EDUCATION	219,349	219,349
360	CIVILIAN EDUCATION AND TRAINING	361,570	361,570
370	JUNIOR ROTC	72,126	72,126
	SUBTOTAL TRAINING AND RECRUITING	**2,526,154**	**2,506,154**
	ADMIN & SRVWD ACTIVITIES		
380	LOGISTICS OPERATIONS	672,426	672,426
390	TECHNICAL SUPPORT ACTIVITIES	145,130	145,130
400	ADMINISTRATION	851,251	851,251
410	SERVICEWIDE COMMUNICATIONS	28,554	28,554
420	OTHER SERVICEWIDE ACTIVITIES	1,188,414	1,188,414
430	CIVIL AIR PATROL	28,772	28,772
450	INTERNATIONAL SUPPORT	158,803	158,803
9999	CLASSIFIED PROGRAMS	1,338,009	1,338,009
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**4,411,359**	**4,411,359**
	UNDISTRIBUTED		
999	UNDISTRIBUTED	0	–765,956
	COVID-related ops/training slowdown		[–89,856]
	COVID-related throughput carryover adjustment		[–75,800]
	Excessive standard price for fuel		[–560,200]
	Foreign currency adjustments		[–40,100]
	SUBTOTAL UNDISTRIBUTED	**0**	**–765,956**
	TOTAL OPERATION & MAINTENANCE, AIR FORCE	**34,750,597**	**34,228,296**
	OPERATION & MAINTENANCE, SPACE FORCE		
	OPERATING FORCES		
020	GLOBAL C3I & EARLY WARNING	276,109	276,109
030	SPACE LAUNCH OPERATIONS	177,056	177,056
040	SPACE OPERATIONS	475,338	475,338
050	EDUCATION & TRAINING	18,660	18,660
060	SPECIAL PROGRAMS	137,315	137,315
070	DEPOT MAINTENANCE	250,324	250,324
080	CONTRACTOR LOGISTICS & SYSTEM SUPPORT	1,063,969	1,063,969
	SUBTOTAL OPERATING FORCES	**2,398,771**	**2,398,771**

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Senate Authorized
	ADMINISTRATION AND SERVICE WIDE ACTIVITIES		
090	ADMINISTRATION	132,523	132,523
	SUBTOTAL ADMINISTRATION AND SERVICE WIDE ACTIVITIES	**132,523**	**132,523**
	UNDISTRIBUTED		
999	UNDISTRIBUTED	0	–400
	Excessive standard price for fuel		[–400]
	SUBTOTAL UNDISTRIBUTED	**0**	**–400**
	TOTAL OPERATION & MAINTENANCE, SPACE FORCE	**2,531,294**	**2,530,894**
	OPERATION & MAINTENANCE, AF RESERVE		
	OPERATING FORCES		
010	PRIMARY COMBAT FORCES	1,782,016	1,782,016
020	MISSION SUPPORT OPERATIONS	215,209	215,209
030	DEPOT PURCHASE EQUIPMENT MAINTENANCE	453,896	509,096
	KC–10 tanker divestment reversal		[48,400]
	KC–135 tanker divestment reversal		[3,400]
	Premature reduction of A–10 squadrons		[3,400]
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	103,414	107,614
	FSRM increase		[4,200]
050	CONTRACTOR LOGISTICS SUPPORT AND SYSTEM SUPPORT	224,977	224,977
060	BASE SUPPORT	452,468	452,468
070	CYBERSPACE ACTIVITIES	2,259	2,259
	SUBTOTAL OPERATING FORCES	**3,234,239**	**3,293,639**
	ADMINISTRATION AND SERVICEWIDE ACTIVITIES		
080	ADMINISTRATION	74,258	74,258
090	RECRUITING AND ADVERTISING	23,121	18,121
	Ahead of need		[–5,000]
100	MILITARY MANPOWER AND PERS MGMT (ARPC)	12,006	12,006
110	OTHER PERS SUPPORT (DISABILITY COMP)	6,165	6,165
120	AUDIOVISUAL	495	495
	SUBTOTAL ADMINISTRATION AND SERVICEWIDE ACTIVITIES	**116,045**	**111,045**
	UNDISTRIBUTED		
999	UNDISTRIBUTED	0	–73,163
	COVID-related ops/training slowdown		[–10,863]
	Excessive standard price for fuel		[–62,300]
	SUBTOTAL UNDISTRIBUTED	**0**	**–73,163**
	TOTAL OPERATION & MAINTENANCE, AF RESERVE	**3,350,284**	**3,331,521**
	OPERATION & MAINTENANCE, ANG		
	OPERATING FORCES		
010	AIRCRAFT OPERATIONS	2,476,205	2,476,205
020	MISSION SUPPORT OPERATIONS	611,325	611,325
030	DEPOT PURCHASE EQUIPMENT MAINTENANCE	1,138,919	1,138,919
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	323,605	332,505
	FSRM increase		[8,900]
050	CONTRACTOR LOGISTICS SUPPORT AND SYSTEM SUPPORT	1,100,828	1,100,828
060	BASE SUPPORT	962,438	962,438
070	CYBERSPACE SUSTAINMENT	27,028	27,028
080	CYBERSPACE ACTIVITIES	16,380	19,380
	Pilot program for National Guard cybersecurity		[3,000]
	SUBTOTAL OPERATING FORCES	**6,656,728**	**6,668,628**
	ADMINISTRATION AND SERVICE-WIDE ACTIVITIES		
090	ADMINISTRATION	48,218	48,218
100	RECRUITING AND ADVERTISING	48,696	33,696
	Ahead of need		[–15,000]
	SUBTOTAL ADMINISTRATION AND SERVICE-WIDE ACTIVITIES	**96,914**	**81,914**
	UNDISTRIBUTED		
999	UNDISTRIBUTED	0	–122,052
	COVID-related ops/training slowdown		[–15,852]
	Excessive standard price for fuel		[–106,200]
	SUBTOTAL UNDISTRIBUTED	**0**	**–122,052**
	TOTAL OPERATION & MAINTENANCE, ANG	**6,753,642**	**6,628,490**
	OPERATION AND MAINTENANCE, DEFENSE-WIDE		
	OPERATING FORCES		
010	JOINT CHIEFS OF STAFF	439,111	439,111
020	JOINT CHIEFS OF STAFF—CE2T2	535,728	535,728
030	JOINT CHIEFS OF STAFF—CYBER	24,728	24,728
040	SPECIAL OPERATIONS COMMAND COMBAT DEVELOPMENT ACTIVITIES	1,069,971	1,072,971
	SOCOM Syria exfiltration reconsitution		[3,000]
050	SPECIAL OPERATIONS COMMAND CYBERSPACE ACTIVITIES	9,800	9,800
060	SPECIAL OPERATIONS COMMAND INTELLIGENCE	561,907	561,907
070	SPECIAL OPERATIONS COMMAND MAINTENANCE	685,097	707,097

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Senate Authorized
	Airborne ISR restoration		[22,000]
080	SPECIAL OPERATIONS COMMAND MANAGEMENT/OPERATIONAL HEADQUARTERS	158,971	158,971
090	SPECIAL OPERATIONS COMMAND OPERATIONAL SUPPORT	1,062,748	1,062,748
100	SPECIAL OPERATIONS COMMAND THEATER FORCES	2,598,385	2,599,685
	Airborne ISR restoration		[1,300]
	SUBTOTAL OPERATING FORCES	**7,146,446**	**7,172,746**
	TRAINING AND RECRUITING		
120	DEFENSE ACQUISITION UNIVERSITY	162,963	162,963
130	JOINT CHIEFS OF STAFF	95,684	95,684
140	PROFESSIONAL DEVELOPMENT EDUCATION	33,301	33,301
	SUBTOTAL TRAINING AND RECRUITING	**291,948**	**291,948**
	ADMIN & SRVWIDE ACTIVITIES		
160	CIVIL MILITARY PROGRAMS	147,993	179,893
	Innovative Readiness Training		[16,900]
	STARBASE		[15,000]
180	DEFENSE CONTRACT AUDIT AGENCY	604,835	604,835
190	DEFENSE CONTRACT AUDIT AGENCY—CYBER	3,282	3,282
210	DEFENSE CONTRACT MANAGEMENT AGENCY	1,370,681	1,427,081
	DWR restore activities		[56,400]
220	DEFENSE CONTRACT MANAGEMENT AGENCY—CYBER	22,532	22,532
230	DEFENSE COUNTERINTELLIGENCE AND SECURITY AGENCY	949,008	952,008
	DWR restore: Congressional oversight		[3,000]
250	DEFENSE COUNTERINTELLIGENCE AND SECURITY AGENCY—CYBER	9,577	9,577
260	DEFENSE HUMAN RESOURCES ACTIVITY	799,952	799,952
270	DEFENSE HUMAN RESOURCES ACTIVITY—CYBER	20,806	20,806
280	DEFENSE INFORMATION SYSTEMS AGENCY	1,883,190	1,923,190
	Secure the DODIN		[40,000]
290	DEFENSE INFORMATION SYSTEMS AGENCY—CYBER	582,639	577,939
	JRSS SIPR funding		[–4,700]
330	DEFENSE LEGAL SERVICES AGENCY	37,637	37,637
340	DEFENSE LOGISTICS AGENCY	382,084	385,684
	DWR restore: blankets for homeless		[3,600]
350	DEFENSE MEDIA ACTIVITY	196,997	196,997
360	DEFENSE PERSONNEL ACCOUNTING AGENCY	129,225	129,225
370	DEFENSE SECURITY COOPERATION AGENCY	598,559	598,559
	Defense Institute for International Legal Studies		[2,000]
	Institute for Security Governance		[–2,000]
	PDI: Maritime Security Initiative INDOPACOM UFR		[163,000]
	PDI: Transfer from Sec. 333 to Maritime Security Initiative		[–163,000]
400	DEFENSE TECHNOLOGY SECURITY ADMINISTRATION	38,432	38,432
410	DEFENSE THREAT REDUCTION AGENCY	591,780	591,780
430	DEFENSE THREAT REDUCTION AGENCY—CYBER	24,635	24,635
440	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY	2,941,429	3,012,929
	DWR restore: maintain student-teacher ratios in DODEA schools		[1,500]
	Impact Aid for children with severe disabilities		[20,000]
	Impact Aid for schools with military dependent students		[50,000]
450	MISSILE DEFENSE AGENCY	505,858	505,858
480	OFFICE OF ECONOMIC ADJUSTMENT	40,272	90,272
	Defense Community Infrastruture Program infusion		[50,000]
490	OFFICE OF THE SECRETARY OF DEFENSE	1,540,446	1,613,946
	AI National Security Commission		[2,500]
	Bien Hoa dioxin cleanup		[15,000]
	Black Start ERREs		[2,000]
	CDC PFAS health assessment		[10,000]
	Commission on Confederate symbols and displays		[2,000]
	Cooperative program for Vietnam personnel MIA		[2,000]
	DWR restore: Congressional background investigations		[–3,000]
	Energy performance contracts		[10,000]
	ESOH personnel in ASD(S)		[2,000]
	FY20 NDAA Sec. 575 interstate spousal licensing		[4,000]
	National Cyber Director independent study		[2,000]
	REPI		[25,000]
500	OFFICE OF THE SECRETARY OF DEFENSE—CYBER	51,630	51,630
510	SPACE DEVELOPMENT AGENCY	48,166	48,166
530	WASHINGTON HEADQUARTERS SERVICES	340,291	343,291
	DWR restore: support to commissions		[3,000]
9999	CLASSIFIED PROGRAMS	17,348,749	17,348,749
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES	**31,210,685**	**31,538,885**
	UNDISTRIBUTED		
999	UNDISTRIBUTED	0	–172,839
	COVID-related ops/training slowdown		[–129,339]
	Excessive standard price for fuel		[–14,800]
	Foreign currency adjustments		[–28,700]
	SUBTOTAL UNDISTRIBUTED	**0**	**–172,839**
	TOTAL OPERATION AND MAINTENANCE, DEFENSE-WIDE	**38,649,079**	**38,830,740**
	MISCELLANEOUS APPROPRIATIONS		
	US COURT OF APPEALS FOR THE ARMED FORCES, DEFENSE		

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Senate Authorized
010	US COURT OF APPEALS FOR THE ARMED FORCES, DEFENSE	15,211	15,211
	SUBTOTAL US COURT OF APPEALS FOR THE ARMED FORCES, DEFENSE	**15,211**	**15,211**
	TOTAL MISCELLANEOUS APPROPRIATIONS	**15,211**	**15,211**
	MISCELLANEOUS APPROPRIATIONS		
	OVERSEAS HUMANITARIAN, DISASTER AND CIVIC AID		
010	OVERSEAS HUMANITARIAN, DISASTER AND CIVIC AID	109,900	109,900
	SUBTOTAL OVERSEAS HUMANITARIAN, DISASTER AND CIVIC AID	**109,900**	**109,900**
	TOTAL MISCELLANEOUS APPROPRIATIONS	**109,900**	**109,900**
	MISCELLANEOUS APPROPRIATIONS		
	COOPERATIVE THREAT REDUCTION		
010	COOPERATIVE THREAT REDUCTION	238,490	288,490
	DWR restore: Biological Threat Reduction Program		[50,000]
	SUBTOTAL COOPERATIVE THREAT REDUCTION	**238,490**	**288,490**
	TOTAL MISCELLANEOUS APPROPRIATIONS	**238,490**	**288,490**
	MISCELLANEOUS APPROPRIATIONS		
	ACQUISITION WORKFORCE DEVELOPMENT		
010	ACQ WORKFORCE DEV FD	58,181	156,680
	DWR restore OSD-level acquisition workforce activities		[98,499]
	SUBTOTAL ACQUISITION WORKFORCE DEVELOPMENT	**58,181**	**156,680**
	TOTAL MISCELLANEOUS APPROPRIATIONS	**58,181**	**156,680**
	MISCELLANEOUS APPROPRIATIONS		
	ENVIRONMENTAL RESTORATION, ARMY		
050	ENVIRONMENTAL RESTORATION, ARMY	207,518	207,518
	SUBTOTAL ENVIRONMENTAL RESTORATION, ARMY	**207,518**	**207,518**
	TOTAL MISCELLANEOUS APPROPRIATIONS	**207,518**	**207,518**
	MISCELLANEOUS APPROPRIATIONS		
	ENVIRONMENTAL RESTORATION, NAVY		
060	ENVIRONMENTAL RESTORATION, NAVY	335,932	335,932
	SUBTOTAL ENVIRONMENTAL RESTORATION, NAVY	**335,932**	**335,932**
	TOTAL MISCELLANEOUS APPROPRIATIONS	**335,932**	**335,932**
	MISCELLANEOUS APPROPRIATIONS		
	ENVIRONMENTAL RESTORATION, AIR FORCE		
070	ENVIRONMENTAL RESTORATION, AIR FORCE	303,926	303,926
	SUBTOTAL ENVIRONMENTAL RESTORATION, AIR FORCE	**303,926**	**303,926**
	TOTAL MISCELLANEOUS APPROPRIATIONS	**303,926**	**303,926**
	MISCELLANEOUS APPROPRIATIONS		
	ENVIRONMENTAL RESTORATION, DEFENSE		
080	ENVIRONMENTAL RESTORATION, DEFENSE	9,105	9,105
	SUBTOTAL ENVIRONMENTAL RESTORATION, DEFENSE	**9,105**	**9,105**
	TOTAL MISCELLANEOUS APPROPRIATIONS	**9,105**	**9,105**
	MISCELLANEOUS APPROPRIATIONS		
	ENVIRONMENTAL RESTORATION FORMERLY USED SITES		
090	ENVIRONMENTAL RESTORATION FORMERLY USED SITES	216,587	216,587
	SUBTOTAL ENVIRONMENTAL RESTORATION FORMERLY USED SITES	**216,587**	**216,587**
	TOTAL MISCELLANEOUS APPROPRIATIONS	**216,587**	**216,587**
	TOTAL OPERATION & MAINTENANCE	**196,630,496**	**195,573,380**

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Senate Authorized
	OPERATION & MAINTENANCE, ARMY		
	OPERATING FORCES		
010	MANEUVER UNITS	4,114,001	4,114,001
030	ECHELONS ABOVE BRIGADE	32,811	32,811
040	THEATER LEVEL ASSETS	2,542,760	2,545,410
	EDI: Support to deterrent activities		[2,650]

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Senate Authorized
050	LAND FORCES OPERATIONS SUPPORT	162,557	162,557
060	AVIATION ASSETS	204,396	204,396
070	FORCE READINESS OPERATIONS SUPPORT	5,716,734	5,721,224
	EDI: Support to deterrent activities PE 0202218A		[1,490]
	EDI: Support to deterrent activities PE 1001010A		[3,000]
080	LAND FORCES SYSTEMS READINESS	180,048	180,048
090	LAND FORCES DEPOT MAINTENANCE	81,125	81,125
100	BASE OPERATIONS SUPPORT	219,029	219,029
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	301,017	301,017
130	ADDITIONAL ACTIVITIES	966,649	966,649
140	COMMANDER'S EMERGENCY RESPONSE PROGRAM	2,500	2,000
	Hero payments funded by ASFF		[–500]
150	RESET	403,796	403,796
160	US AFRICA COMMAND	100,422	100,422
170	US EUROPEAN COMMAND	120,043	144,143
	EDI: Continuity of operations support		[2,100]
	EDI: Modernizing Mission Partner Environment (MPE)		[22,000]
200	CYBERSPACE ACTIVITIES—CYBERSPACE OPERATIONS	98,461	98,461
210	CYBERSPACE ACTIVITIES—CYBERSECURITY	21,256	21,256
	SUBTOTAL OPERATING FORCES	**15,267,605**	**15,298,345**
	MOBILIZATION		
230	ARMY PREPOSITIONED STOCKS	103,052	103,052
	SUBTOTAL MOBILIZATION	**103,052**	**103,052**
	TRAINING AND RECRUITING		
290	SPECIALIZED SKILL TRAINING	89,943	89,943
320	TRAINING SUPPORT	2,550	2,550
	SUBTOTAL TRAINING AND RECRUITING	**92,493**	**92,493**
	ADMIN & SRVWIDE ACTIVITIES		
390	SERVICEWIDE TRANSPORTATION	521,090	521,090
400	CENTRAL SUPPLY ACTIVITIES	43,897	43,897
410	LOGISTIC SUPPORT ACTIVITIES	68,423	68,423
420	AMMUNITION MANAGEMENT	29,162	29,162
440	SERVICEWIDE COMMUNICATIONS	11,447	11,447
470	OTHER SERVICE SUPPORT	5,839	5,839
490	REAL ESTATE MANAGEMENT	48,782	48,782
510	INTERNATIONAL MILITARY HEADQUARTERS	50,000	50,000
9999	CLASSIFIED PROGRAMS	895,964	895,964
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES	**1,674,604**	**1,674,604**
	TOTAL OPERATION & MAINTENANCE, ARMY	**17,137,754**	**17,168,494**
	OPERATION & MAINTENANCE, ARMY RES		
	OPERATING FORCES		
020	ECHELONS ABOVE BRIGADE	17,193	17,193
060	FORCE READINESS OPERATIONS SUPPORT	440	440
090	BASE OPERATIONS SUPPORT	15,766	15,766
	SUBTOTAL OPERATING FORCES	**33,399**	**33,399**
	TOTAL OPERATION & MAINTENANCE, ARMY RES	**33,399**	**33,399**
	OPERATION & MAINTENANCE, ARNG		
	OPERATING FORCES		
010	MANEUVER UNITS	25,746	25,746
020	MODULAR SUPPORT BRIGADES	40	40
030	ECHELONS ABOVE BRIGADE	983	983
040	THEATER LEVEL ASSETS	22	22
060	AVIATION ASSETS	20,624	20,624
070	FORCE READINESS OPERATIONS SUPPORT	7,914	7,914
100	BASE OPERATIONS SUPPORT	24,417	24,417
	SUBTOTAL OPERATING FORCES	**79,746**	**79,746**
	ADMIN & SRVWD ACTIVITIES		
170	SERVICEWIDE COMMUNICATIONS	46	46
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**46**	**46**
	TOTAL OPERATION & MAINTENANCE, ARNG	**79,792**	**79,792**
	AFGHANISTAN SECURITY FORCES FUND		
	AFGHAN NATIONAL ARMY		
010	SUSTAINMENT	1,065,932	1,065,932
020	INFRASTRUCTURE	64,501	64,501
030	EQUIPMENT AND TRANSPORTATION	47,854	47,854
040	TRAINING AND OPERATIONS	56,780	56,780
	SUBTOTAL AFGHAN NATIONAL ARMY	**1,235,067**	**1,235,067**
	AFGHAN NATIONAL POLICE		
050	SUSTAINMENT	434,500	434,500
060	INFRASTRUCTURE	448	448
070	EQUIPMENT AND TRANSPORTATION	108,231	108,231

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Senate Authorized
080	TRAINING AND OPERATIONS	58,993	58,993
	SUBTOTAL AFGHAN NATIONAL POLICE	**602,172**	**602,172**
	AFGHAN AIR FORCE		
090	SUSTAINMENT	534,102	534,102
100	INFRASTRUCTURE	9,532	9,532
110	EQUIPMENT AND TRANSPORTATION	58,487	58,487
120	TRAINING AND OPERATIONS	233,803	233,803
	SUBTOTAL AFGHAN AIR FORCE	**835,924**	**835,924**
	AFGHAN SPECIAL SECURITY FORCES		
130	SUSTAINMENT	680,024	680,024
140	INFRASTRUCTURE	2,532	2,532
150	EQUIPMENT AND TRANSPORTATION	486,808	486,808
160	TRAINING AND OPERATIONS	173,085	173,085
	SUBTOTAL AFGHAN SPECIAL SECURITY FORCES	**1,342,449**	**1,342,449**
	TOTAL AFGHANISTAN SECURITY FORCES FUND	**4,015,612**	**4,015,612**
	OPERATION & MAINTENANCE, NAVY		
	OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	382,062	382,062
030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES	832	832
040	AIR OPERATIONS AND SAFETY SUPPORT	17,840	17,840
050	AIR SYSTEMS SUPPORT	210,692	210,692
060	AIRCRAFT DEPOT MAINTENANCE	170,580	170,580
070	AIRCRAFT DEPOT OPERATIONS SUPPORT	5,854	5,854
080	AVIATION LOGISTICS	33,707	33,707
090	MISSION AND OTHER SHIP OPERATIONS	5,817,696	5,817,696
100	SHIP OPERATIONS SUPPORT & TRAINING	20,741	20,741
110	SHIP DEPOT MAINTENANCE	2,072,470	2,072,470
130	COMBAT COMMUNICATIONS AND ELECTRONIC WARFARE	59,254	59,254
140	SPACE SYSTEMS AND SURVEILLANCE	18,000	18,000
150	WARFARE TACTICS	17,324	17,324
160	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	22,581	22,581
170	COMBAT SUPPORT FORCES	772,441	772,441
180	EQUIPMENT MAINTENANCE AND DEPOT OPERATIONS SUPPORT	5,788	5,788
200	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	24,800	24,800
220	CYBERSPACE ACTIVITIES	369	369
240	WEAPONS MAINTENANCE	567,247	567,247
250	OTHER WEAPON SYSTEMS SUPPORT	12,571	12,571
270	SUSTAINMENT, RESTORATION AND MODERNIZATION	70,041	70,041
280	BASE OPERATING SUPPORT	218,792	218,792
	SUBTOTAL OPERATING FORCES	**10,521,682**	**10,521,682**
	MOBILIZATION		
320	EXPEDITIONARY HEALTH SERVICES SYSTEMS	22,589	22,589
	SUBTOTAL MOBILIZATION	**22,589**	**22,589**
	TRAINING AND RECRUITING		
370	SPECIALIZED SKILL TRAINING	53,204	53,204
	SUBTOTAL TRAINING AND RECRUITING	**53,204**	**53,204**
	ADMIN & SRVWD ACTIVITIES		
440	ADMINISTRATION	9,983	9,983
460	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	7,805	7,805
480	SERVICEWIDE TRANSPORTATION	72,097	72,097
510	ACQUISITION, LOGISTICS, AND OVERSIGHT	11,354	11,354
520	INVESTIGATIVE AND SECURITY SERVICES	1,591	1,591
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**102,830**	**102,830**
	TOTAL OPERATION & MAINTENANCE, NAVY	**10,700,305**	**10,700,305**
	OPERATION & MAINTENANCE, MARINE CORPS		
	OPERATING FORCES		
010	OPERATIONAL FORCES	727,989	745,489
	EDI: Globally Integrated Exercise 20–4/Austere Challenge 21.3		[10,000]
	EDI: Marine European training program		[7,500]
020	FIELD LOGISTICS	195,001	195,001
030	DEPOT MAINTENANCE	55,183	55,183
050	CYBERSPACE ACTIVITIES	10,000	10,000
070	BASE OPERATING SUPPORT	24,569	24,569
	SUBTOTAL OPERATING FORCES	**1,012,742**	**1,030,242**
	TRAINING AND RECRUITING		
120	TRAINING SUPPORT	28,458	28,458
	SUBTOTAL TRAINING AND RECRUITING	**28,458**	**28,458**
	ADMIN & SRVWD ACTIVITIES		
160	SERVICEWIDE TRANSPORTATION	61,400	61,400
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**61,400**	**61,400**

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Senate Authorized
	TOTAL OPERATION & MAINTENANCE, MARINE CORPS	**1,102,600**	**1,120,100**
	OPERATION & MAINTENANCE, NAVY RES		
	OPERATING FORCES		
020	INTERMEDIATE MAINTENANCE	522	522
030	AIRCRAFT DEPOT MAINTENANCE	11,861	11,861
080	COMBAT SUPPORT FORCES	9,109	9,109
	SUBTOTAL OPERATING FORCES	**21,492**	**21,492**
	TOTAL OPERATION & MAINTENANCE, NAVY RES	**21,492**	**21,492**
	OPERATION & MAINTENANCE, MC RESERVE		
	OPERATING FORCES		
010	OPERATING FORCES	7,627	7,627
040	BASE OPERATING SUPPORT	1,080	1,080
	SUBTOTAL OPERATING FORCES	**8,707**	**8,707**
	TOTAL OPERATION & MAINTENANCE, MC RESERVE	**8,707**	**8,707**
	OPERATION & MAINTENANCE, AIR FORCE		
	OPERATING FORCES		
010	PRIMARY COMBAT FORCES	125,551	125,551
020	COMBAT ENHANCEMENT FORCES	916,538	916,538
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	93,970	93,970
040	DEPOT PURCHASE EQUIPMENT MAINTENANCE	3,528,059	3,528,059
050	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	147,264	147,264
060	CYBERSPACE SUSTAINMENT	10,842	10,842
070	CONTRACTOR LOGISTICS SUPPORT AND SYSTEM SUPPORT	7,187,100	7,217,545
	Transfer from base		[30,445]
080	FLYING HOUR PROGRAM	2,031,548	2,031,548
090	BASE SUPPORT	1,540,444	1,540,444
100	GLOBAL C3I AND EARLY WARNING	13,709	13,709
110	OTHER COMBAT OPS SPT PROGRAMS	345,800	345,800
120	CYBERSPACE ACTIVITIES	17,936	17,936
130	TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES	36,820	36,820
140	LAUNCH FACILITIES	70	70
150	SPACE CONTROL SYSTEMS	1,450	1,450
160	US NORTHCOM/NORAD	725	725
170	US STRATCOM	856	856
180	US CYBERCOM	35,189	35,189
190	US CENTCOM	126,934	126,934
	SUBTOTAL OPERATING FORCES	**16,160,805**	**16,191,250**
	MOBILIZATION		
240	AIRLIFT OPERATIONS	1,271,439	1,271,439
250	MOBILIZATION PREPAREDNESS	120,866	120,866
	SUBTOTAL MOBILIZATION	**1,392,305**	**1,392,305**
	TRAINING AND RECRUITING		
260	OFFICER ACQUISITION	200	200
270	RECRUIT TRAINING	352	352
290	SPECIALIZED SKILL TRAINING	27,010	27,010
300	FLIGHT TRAINING	844	844
310	PROFESSIONAL DEVELOPMENT EDUCATION	1,199	1,199
320	TRAINING SUPPORT	1,320	1,320
	SUBTOTAL TRAINING AND RECRUITING	**30,925**	**30,925**
	ADMIN & SRVWD ACTIVITIES		
380	LOGISTICS OPERATIONS	164,701	164,701
390	TECHNICAL SUPPORT ACTIVITIES	11,782	11,782
400	ADMINISTRATION	3,886	3,886
410	SERVICEWIDE COMMUNICATIONS	355	355
420	OTHER SERVICEWIDE ACTIVITIES	100,831	85,831
	OSC-I transition to normalized security cooperation		[–15,000]
450	INTERNATIONAL SUPPORT	29,928	29,928
9999	CLASSIFIED PROGRAMS	34,502	34,502
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**345,985**	**330,985**
	TOTAL OPERATION & MAINTENANCE, AIR FORCE	**17,930,020**	**17,945,465**
	OPERATION & MAINTENANCE, SPACE FORCE		
	OPERATING FORCES		
020	GLOBAL C3I & EARLY WARNING	227	227
030	SPACE LAUNCH OPERATIONS	321	321
040	SPACE OPERATIONS	15,135	15,135
070	DEPOT MAINTENANCE	18,268	18,268
080	CONTRACTOR LOGISTICS & SYSTEM SUPPORT	43,164	43,164
	SUBTOTAL OPERATING FORCES	**77,115**	**77,115**
	TOTAL OPERATION & MAINTENANCE, SPACE FORCE	**77,115**	**77,115**
	OPERATION & MAINTENANCE, AF RESERVE		

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Senate Authorized
	OPERATING FORCES		
030	DEPOT PURCHASE EQUIPMENT MAINTENANCE	24,408	24,408
060	BASE SUPPORT	5,682	5,682
	SUBTOTAL OPERATING FORCES	**30,090**	**30,090**
	TOTAL OPERATION & MAINTENANCE, AF RESERVE	**30,090**	**30,090**
	OPERATION & MAINTENANCE, ANG		
	OPERATING FORCES		
020	MISSION SUPPORT OPERATIONS	3,739	3,739
030	DEPOT PURCHASE EQUIPMENT MAINTENANCE	61,862	61,862
050	CONTRACTOR LOGISTICS SUPPORT AND SYSTEM SUPPORT	97,108	97,108
060	BASE SUPPORT	12,933	12,933
	SUBTOTAL OPERATING FORCES	**175,642**	**175,642**
	TOTAL OPERATION & MAINTENANCE, ANG	**175,642**	**175,642**
	OPERATION AND MAINTENANCE, DEFENSE-WIDE		
	OPERATING FORCES		
010	JOINT CHIEFS OF STAFF	3,799	3,799
020	JOINT CHIEFS OF STAFF—CE2T2	6,634	6,634
040	SPECIAL OPERATIONS COMMAND COMBAT DEVELOPMENT ACTIVITIES	898,024	898,024
060	SPECIAL OPERATIONS COMMAND INTELLIGENCE	1,244,553	1,244,553
070	SPECIAL OPERATIONS COMMAND MAINTENANCE	354,951	381,951
	Airborne ISR restoration		[27,000]
090	SPECIAL OPERATIONS COMMAND OPERATIONAL SUPPORT	104,535	104,535
100	SPECIAL OPERATIONS COMMAND THEATER FORCES	757,744	757,744
	SUBTOTAL OPERATING FORCES	**3,370,240**	**3,397,240**
	ADMIN & SRVWIDE ACTIVITIES		
180	DEFENSE CONTRACT AUDIT AGENCY	1,247	1,247
210	DEFENSE CONTRACT MANAGEMENT AGENCY	21,723	21,723
280	DEFENSE INFORMATION SYSTEMS AGENCY	56,256	56,256
290	DEFENSE INFORMATION SYSTEMS AGENCY—CYBER	3,524	3,524
330	DEFENSE LEGAL SERVICES AGENCY	156,373	156,373
350	DEFENSE MEDIA ACTIVITY	3,555	3,555
370	DEFENSE SECURITY COOPERATION AGENCY	1,557,763	1,880,263
	Transfer from CTEF for Iraq train and equip requirements		[322,500]
410	DEFENSE THREAT REDUCTION AGENCY	297,486	297,486
490	OFFICE OF THE SECRETARY OF DEFENSE	16,984	16,984
530	WASHINGTON HEADQUARTERS SERVICES	1,997	1,997
9999	CLASSIFIED PROGRAMS	535,106	535,106
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES	**2,652,014**	**2,974,514**
	TOTAL OPERATION AND MAINTENANCE, DEFENSE-WIDE	**6,022,254**	**6,371,754**
	TOTAL OPERATION & MAINTENANCE	**57,334,782**	**57,747,967**

TITLE XLIV—MILITARY PERSONNEL

SEC. 4401. MILITARY PERSONNEL.

SEC. 4401. MILITARY PERSONNEL
(In Thousands of Dollars)

Item	FY 2021 Request	Senate Authorized
MILITARY PERSONNEL		
MILITARY PERSONNEL APPROPRIATIONS		
MILITARY PERSONNEL APPROPRIATIONS	150,524,104	147,976,014
COVID related endstrength decreases		[–755,000]
Foreign currency adjustments, Air Force		[–81,800]
Foreign currency adjustments, Army		[–44,400]
Foreign currency adjustments, Marine Corps		[–13,900]
Foreign currency adjustments, Navy		[–41,300]
Military personnel historical underexecution		[–1,611,690]
SUBTOTAL MILITARY PERSONNEL APPROPRIATIONS	**150,524,104**	**147,976,014**
MEDICARE-ELIGIBLE RETIREE HEALTH FUND CONTRIBUTIONS		
MEDICARE-ELIGIBLE RETIREE HEALTH FUND CONTRIBUTIONS	8,372,741	8,372,741
SUBTOTAL MEDICARE-ELIGIBLE RETIREE HEALTH FUND CONTRIBUTIONS	**8,372,741**	**8,372,741**
TOTAL MILITARY PERSONNEL	**158,896,845**	**156,348,755**

SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Item	FY 2021 Request	Senate Authorized
MILITARY PERSONNEL		
MILITARY PERSONNEL APPROPRIATIONS		
MILITARY PERSONNEL APPROPRIATIONS	4,602,593	4,602,593
SUBTOTAL MILITARY PERSONNEL APPROPRIATIONS	**4,602,593**	**4,602,593**
TOTAL MILITARY PERSONNEL	**4,602,593**	**4,602,593**

TITLE XLV—OTHER AUTHORIZATIONS

SEC. 4501. OTHER AUTHORIZATIONS.

SEC. 4501. OTHER AUTHORIZATIONS
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Senate Authorized
	WORKING CAPITAL FUND		
	WORKING CAPITAL FUND, ARMY		
010	INDUSTRIAL OPERATIONS	32,551	5,551
	One-time COVID-related carryover decrease		[–27,000]
020	SUPPLY MANAGEMENT—ARMY	24,166	1,166
	One-time COVID-related carryover decrease		[–23,000]
	SUBTOTAL WORKING CAPITAL FUND, ARMY	**56,717**	**6,717**
	WORKING CAPITAL FUND, AIR FORCE		
020	SUPPLIES AND MATERIALS	95,712	5,712
	Air Force cash corpus for energy optimization		[10,000]
	One-time COVID-related carryover decrease		[–100,000]
	SUBTOTAL WORKING CAPITAL FUND, AIR FORCE	**191,424**	**101,424**
	WORKING CAPITAL FUND, DEFENSE-WIDE		
020	SUPPLY CHAIN MANAGEMENT—DEF	49,821	49,821
	SUBTOTAL WORKING CAPITAL FUND, DEFENSE-WIDE	**49,821**	**49,821**
	WORKING CAPITAL FUND, DECA		
010	WORKING CAPITAL FUND, DECA	1,146,660	1,146,660
	SUBTOTAL WORKING CAPITAL FUND, DECA	**1,146,660**	**1,146,660**
	TOTAL WORKING CAPITAL FUND	**1,444,622**	**1,304,622**
	CHEM AGENTS & MUNITIONS DESTRUCTION		
	OPERATION & MAINTENANCE		
1	CHEM DEMILITARIZATION—O&M	106,691	106,691
	SUBTOTAL OPERATION & MAINTENANCE	**106,691**	**106,691**
	RESEARCH, DEVELOPMENT, TEST, AND EVALUATION		
2	CHEM DEMILITARIZATION—RDT&E	782,193	782,193
	SUBTOTAL RESEARCH, DEVELOPMENT, TEST, AND EVALUATION	**782,193**	**782,193**
	PROCUREMENT		
3	CHEM DEMILITARIZATION—PROC	616	616
	SUBTOTAL PROCUREMENT	**616**	**616**
	TOTAL CHEM AGENTS & MUNITIONS DESTRUCTION	**889,500**	**889,500**
	DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF		
	DRUG INTRDCTN		
010	COUNTER-NARCOTICS SUPPORT	546,203	562,003
	PDI: Joint Interagency Task Force—West Project 3309		[13,000]
	PDI: Joint Interagency Task Force—West Project 9202		[2,800]
	SUBTOTAL DRUG INTRDCTN	**546,203**	**562,003**
	DRUG DEMAND REDUCTION PROGRAM		
020	DRUG DEMAND REDUCTION PROGRAM	123,704	123,704
	SUBTOTAL DRUG DEMAND REDUCTION PROGRAM	**123,704**	**123,704**
	NATIONAL GUARD COUNTER-DRUG PROGRAM		
030	NATIONAL GUARD COUNTER-DRUG PROGRAM	94,211	94,211
	SUBTOTAL NATIONAL GUARD COUNTER-DRUG PROGRAM	**94,211**	**94,211**
	NATIONAL GUARD COUNTER-DRUG SCHOOLS		
040	NATIONAL GUARD COUNTER-DRUG SCHOOLS	5,511	5,511
	SUBTOTAL NATIONAL GUARD COUNTER-DRUG SCHOOLS	**5,511**	**5,511**
	TOTAL DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF	**769,629**	**785,429**
	OFFICE OF THE INSPECTOR GENERAL		
	OFFICE OF THE INSPECTOR GENERAL		
010	OFFICE OF THE INSPECTOR GENERAL	368,279	368,279
030	OFFICE OF THE INSPECTOR GENERAL—CYBER	1,204	1,204
040	OFFICE OF THE INSPECTOR GENERAL	1,098	1,098

SEC. 4501. OTHER AUTHORIZATIONS
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Senate Authorized
050	OFFICE OF THE INSPECTOR GENERAL	858	858
	SUBTOTAL OFFICE OF THE INSPECTOR GENERAL	**371,439**	**371,439**
	TOTAL OFFICE OF THE INSPECTOR GENERAL	**371,439**	**371,439**
	DEFENSE HEALTH PROGRAM		
	OPERATION & MAINTENANCE		
010	IN-HOUSE CARE	9,560,564	9,560,564
020	PRIVATE SECTOR CARE	15,841,887	15,841,887
030	CONSOLIDATED HEALTH SUPPORT	1,338,269	1,338,269
040	INFORMATION MANAGEMENT	2,039,910	2,039,910
050	MANAGEMENT ACTIVITIES	330,627	330,627
060	EDUCATION AND TRAINING	315,691	315,691
070	BASE OPERATIONS/COMMUNICATIONS	1,922,605	1,927,605
	National Disaster Medical System pilot program		[5,000]
	SUBTOTAL OPERATION & MAINTENANCE	**31,349,553**	**31,354,553**
	RDT&E		
080	R&D RESEARCH	8,913	8,913
090	R&D EXPLORATRY DEVELOPMENT	73,984	73,984
100	R&D ADVANCED DEVELOPMENT	225,602	225,602
110	R&D DEMONSTRATION/VALIDATION	132,331	132,331
120	R&D ENGINEERING DEVELOPMENT	55,748	55,748
130	R&D MANAGEMENT AND SUPPORT	48,672	48,672
140	R&D CAPABILITIES ENHANCEMENT	17,215	17,215
	SUBTOTAL RDT&E	**562,465**	**562,465**
	PROCUREMENT		
150	PROC INITIAL OUTFITTING	22,932	22,932
160	PROC REPLACEMENT & MODERNIZATION	215,618	215,618
170	PROC MILITARY HEALTH SYSTEM—DESKTOP TO DATACENTER	70,872	70,872
180	PROC DOD HEALTHCARE MANAGEMENT SYSTEM MODERNIZATION	308,504	308,504
	SUBTOTAL PROCUREMENT	**617,926**	**617,926**
	SOFTWARE & DIGITAL TECHNOLOGY PILOT PROGRAMS		
190	SOFTWARE & DIGITAL TECHNOLOGY PILOT PROGRAMS	160,428	160,428
	SUBTOTAL SOFTWARE & DIGITAL TECHNOLOGY PILOT PROGRAMS	**160,428**	**160,428**
	TOTAL DEFENSE HEALTH PROGRAM	**32,690,372**	**32,695,372**
	TOTAL OTHER AUTHORIZATIONS	**36,711,765**	**36,592,565**

SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Senate Authorized
	WORKING CAPITAL FUND		
	WORKING CAPITAL FUND, ARMY		
020	SUPPLY MANAGEMENT—ARMY	20,090	20,090
	SUBTOTAL WORKING CAPITAL FUND, ARMY	**20,090**	**20,090**
	TOTAL WORKING CAPITAL FUND	**20,090**	**20,090**
	OFFICE OF THE INSPECTOR GENERAL		
	OFFICE OF THE INSPECTOR GENERAL		
010	OFFICE OF THE INSPECTOR GENERAL	24,069	24,069
	SUBTOTAL OFFICE OF THE INSPECTOR GENERAL	**24,069**	**24,069**
	TOTAL OFFICE OF THE INSPECTOR GENERAL	**24,069**	**24,069**
	DEFENSE HEALTH PROGRAM		
	OPERATION & MAINTENANCE		
010	IN-HOUSE CARE	65,072	65,072
020	PRIVATE SECTOR CARE	296,828	296,828
030	CONSOLIDATED HEALTH SUPPORT	3,198	3,198
	SUBTOTAL OPERATION & MAINTENANCE	**365,098**	**365,098**
	TOTAL DEFENSE HEALTH PROGRAM	**365,098**	**365,098**
	COUNTER ISIS TRAIN AND EQUIP FUND (CTEF)		
	COUNTER ISIS TRAIN AND EQUIP FUND (CTEF)		
010	IRAQ	645,000	322,500
	Transfer traditional BPC activities to DSCA		[–322,500]
020	SYRIA	200,000	200,000
	SUBTOTAL COUNTER ISIS TRAIN AND EQUIP FUND (CTEF)	**845,000**	**522,500**

SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Senate Authorized
	TOTAL COUNTER ISIS TRAIN AND EQUIP FUND (CTEF)	**845,000**	**522,500**
	TOTAL OTHER AUTHORIZATIONS	**1,254,257**	**931,757**

TITLE XLVI—MILITARY CONSTRUCTION

SEC. 4601. MILITARY CONSTRUCTION.

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2021 Request	Senate Authorized
MILITARY CONSTRUCTION				
ARMY				
	Alaska			
Army	Fort Wainwright	Child Development Center	0	55,000
Army	Fort Wainwright	Unaccompanied Enlisted Personnel Housing	0	59,000
	Arizona			
Army	Yuma Proving Ground	Ready Building	14,000	14,000
	California			
Army	Military Ocean Terminal Concord	Ammunition Holding Facility	0	46,000
	Colorado			
Army	Fort Carson	Physical Fitness Facility	28,000	28,000
	Florida			
Army	JIATF-S Operations Center	Planning & Design	0	8,000
	Georgia			
Army	Fort Gillem	Forensic Laboratory	71,000	71,000
Army	Fort Gordon	Adv Individual Training Barracks Cplx, Ph3	80,000	80,000
	Hawaii			
Army	Aliamanu Military Reservation	Child Development Center—School Age	0	71,000
Army	Schofield Barracks	Child Development Center	0	39,000
Army	Wheeler Army Air Field	Aircraft Maintenance Hangar	89,000	89,000
	Italy			
Army	Casmera Renato Dal Din	Access Control Point	0	10,200
	Louisiana			
Army	Fort Polk	Information Systems Facility	25,000	25,000
	Oklahoma			
Army	McAlester AAP	Ammunition Demolition Shop	35,000	35,000
	Pennsylvania			
Army	Carlisle Barracks	General Instruction Building (Inc 2)	38,000	8,000
	South Carolina			
Army	Fort Jackson	Trainee Barracks Complex 3, Ph2	0	7,000
	Virginia			
Army	Humphreys Engineer Center	Training Support Facility	51,000	51,000
	Worldwide Unspecified			
Army	Unspecified Worldwide Locations	Planning and Design	129,436	59,436
Army	Unspecified Worldwide Locations	Host Nation Support	39,000	39,000
Army	Unspecified Worldwide Locations	Unspecified Minor Construction	50,900	74,900
SUBTOTAL ARMY			**650,336**	**869,536**
NAVY				
	Bahrain Island			
Navy	SW Asia	Ship to Shore Utility Services	68,340	68,340
	California			
Navy	Camp Pendleton	Combat Water Survival Training Facility	0	25,200
Navy	Camp Pendleton	Warehouse Consolidation and Modernization	0	21,800
Navy	Camp Pendleton	I MEF Consolidated Information Center (INC)	37,000	37,000
Navy	Camp Pendleton	1st MARDIV Operations Complex	68,530	68,530
Navy	Lemoore	F–35C Simulator Facility & Electrical Upgrade	59,150	59,150
Navy	Lemoore	F–35C Hangar 6 Phase 2 (Mod 3/4)	128,070	53,000
Navy	Point Mugu	Directed Energy Test Facility	0	26,700
Navy	Port Hueneme	Combat Vehicle Maintenance Facilities	0	43,500
Navy	San Diego	Pier 6 Replacement	128,500	63,500
Navy	Seal Beach	Magazines	0	46,800
Navy	Twentynine Palms	Wastewater Treatment Plant	76,500	76,500
	Greece			
Navy	Souda Bay	Communication Center	50,180	50,180
	Guam			
Navy	Andersen Air Force Base	Ordnance Operations Admin	21,280	21,280
Navy	Joint Region Marianas	DAR Road Strengthening	70,760	70,760
Navy	Joint Region Marianas	DAR Bridge Improvements	40,180	40,180
Navy	Joint Region Marianas	Central Fuel Station	35,950	17,950

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2021 Request	Senate Authorized
Navy	Joint Region Marianas	Distribution Warehouse	77,930	77,930
Navy	Joint Region Marianas	Combined EOD Facility	37,600	37,600
Navy	Joint Region Marianas	Bachelor Enlisted Quarters (Inc)	80,000	10,000
Navy	Joint Region Marianas	Joint Communication Upgrade	166,000	26,000
Navy	Joint Region Marianas	Base Warehouse	55,410	55,410
Navy	Joint Region Marianas	Individual Combat Skills Training	17,430	17,430
Navy	Joint Region Marianas	Central Issue Facility	45,290	45,290
	Hawaii			
Navy	Joint Base Pearl Harbor-Hickam	Waterfront Improvements Wharves S8–S10	65,910	65,910
Navy	Joint Base Pearl Harbor-Hickam	Waterfront Improve, Wharves S1,S11–13,S20–21	48,990	48,990
	Honduras			
Navy	Comalapa	Long Range Maritime Patrol Aircraft Hangar and Ramp.	0	28,000
	Japan			
Navy	Yokosuka	Pier 5 (Berths 2 and 3) (Inc)	74,692	44,692
	Maine			
Navy	Kittery	Multi-Mission Drydock #1 Exten., Ph 1 (Inc)	160,000	160,000
Navy	NCTAMS LANT Detachment Cutler	Perimeter Security	0	26,100
	Nevada			
Navy	Fallon	Range Training Complex, Phase 1	29,040	29,040
	North Carolina			
Navy	Camp Lejeune	II MEF Operations Center Replacement (Inc)	20,000	20,000
Navy	Cherry Point	Fitness Center Replacement and Training Pool	0	51,900
	Spain			
Navy	Rota	MH–60R Squadron Support Facilities	60,110	60,110
	Virginia			
Navy	Norfolk	Sub Logistics Support	0	9,400
Navy	Norfolk	MH60 & CMV–22B Corrosion Control & Paint Facility.	17,671	17,671
Navy	Norfolk	E–2D Training Facility	30,400	30,400
	Worldwide Unspecified			
Navy	Unspecified Worldwide Locations	Unspecified Minor Construction	38,983	38,983
Navy	Unspecified Worldwide Locations	Planning & Design	165,710	165,710
SUBTOTAL NAVY			**1,975,606**	**1,856,936**
AIR FORCE				
	Colorado			
Air Force	Schriever Air Force Base	Consolidated Space Operations Facility, (Inc 2)	88,000	88,000
Air Force	United States Air Force Academy	Cadet Preparatory School Dormitory	0	49,000
	Guam			
Air Force	Joint Region Marianas	Stand Off Weapons Complex, MSA 2	56,000	56,000
	Mariana Islands			
Air Force	Tinian	Fuel Tanks With Pipeline & Hydrant Sys, (Inc 2)	7,000	7,000
Air Force	Tinian	Airfield Development Phase 1, (Inc 2)	20,000	20,000
Air Force	Tinian	Parking Apron, (Inc 2)	15,000	15,000
	Montana			
Air Force	Malmstrom Air Force Base	Weapons Storage & Maintenance Facility, (Inc 2)	25,000	25,000
	New Jersey			
Air Force	Joint Base McGuire-Dix-Lakehurst	Munitions Storage Area	22,000	22,000
	Qatar			
Air Force	Al Udeid	Cargo Marshalling Yard	26,000	26,000
	South Dakota			
Air Force	Ellsworth Air Force Base	B–21 2–Bay LO Restoration Facility	0	10,000
	Texas			
Air Force	Joint Base San Antonio	BMT Recruit Dormitory 8, (Inc 2)	36,000	36,000
Air Force	Joint Base San Antonio	T-X ADAL Ground Based Trng Sys Sim	19,500	19,500
	Utah			
Air Force	Hill Air Force Base	GBSD Organic Software Sustainment Center	0	20,000
Air Force	Hill Air Force Base	GBSD Mission Integration Facility, (Inc 2)	68,000	68,000
	Virginia			
Air Force	Joint Base Langley-Eustis	Access Control Point Main Gate With Land Acq	19,500	19,500
	Worldwide Unspecified			
Air Force	Unspecified Worldwide Locations	Cost to Complete	0	29,422
Air Force	Unspecified Worldwide Locations	Planning & Design	296,532	116,532
Air Force	Unspecified Worldwide Locations	Unspecified Minor Construction	68,600	68,600
SUBTOTAL AIR FORCE			**767,132**	**695,554**
DEFENSE-WIDE				

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2021 Request	Senate Authorized
	Alabama			
Defense-Wide	Anniston Army Depot	Demilitarization Facility	18,000	18,000
	Alaska			
Defense-Wide	Fort Greely	Communications Center	48,000	48,000
	Albama			
Defense-Wide	Fort Rucker	Construct 10mw Generation & Microgrid	0	24,000
	Arizona			
Defense-Wide	Fort Huachuca	Laboratory Building	33,728	33,728
Defense-Wide	Yuma	SOF Hangar	49,500	49,500
	Arkansas			
Defense-Wide	Fort Smith Air National Guard Base	PV Arrays and Battery Storage	0	2,600
	California			
Defense-Wide	Beale Air Force Base	Bulk Fuel Tank	22,800	22,800
	Colorado			
Defense-Wide	Fort Carson	SOF Tactical Equipment Maintenance Facility	15,600	15,600
	CONUS Unspecified			
Defense-Wide	CONUS Unspecified	Training Target Structure	14,400	14,400
	Florida			
Defense-Wide	Hurlburt Field	SOF Special Tactics Ops Facility (23 STS)	44,810	44,810
Defense-Wide	Hurlburt Field	SOF Combat Aircraft Parking Apron-North	38,310	38,310
	Georgia			
Defense-Wide	Fort Benning	Construct 4.8mw Generation & Microgrid	0	17,000
	Germany			
Defense-Wide	Rhine Ordnance Barracks	Medical Center Replacement (Inc 9)	200,000	0
	Japan			
Defense-Wide	Def Fuel Support Point Tsurumi	Fuel Wharf	49,500	49,500
Defense-Wide	Yokosuka	Kinnick High School (Inc)	30,000	0
	Kentucky			
Defense-Wide	Fort Knox	Van Voorhis Elementary School	69,310	69,310
	Maryland			
Defense-Wide	Bethesda Naval Hospital	MEDCEN Addition/Alteration (Inc 4)	180,000	50,000
Defense-Wide	Fort Meade	NSAW Recapitalize Building #3 (Inc)	250,000	250,000
	Mississippi			
Defense-Wide	MTA Camp Shelby	Construct 10mw Generation Plant and Microgrid System.	0	30,000
	Missouri			
Defense-Wide	Fort Leonard Wood	Hospital Replacement (Inc 3)	40,000	40,000
Defense-Wide	St Louis	Next NGA West (N2W) Complex Phase 2 (Inc)	119,000	60,000
	New Mexico			
Defense-Wide	Kirtland Air Force Base	Administrative Building	46,600	46,600
	North Carolina			
Defense-Wide	Fort Bragg	SOTF Chilled Water Upgrade	0	6,100
Defense-Wide	Fort Bragg	SOF Military Working Dog Facility	17,700	17,700
Defense-Wide	Fort Bragg	SOF Group Headquarters	53,100	53,100
Defense-Wide	Fort Bragg	SOF Operations Facility	43,000	43,000
	Ohio			
Defense-Wide	Wright-Patterson Air Force Base	Intelligence Facility Central Utility Plant	0	35,000
Defense-Wide	Wright-Patterson Air Force Base	Hydrant Fuel System	23,500	23,500
	Tennessee			
Defense-Wide	Memphis International Airport	PV Arrays and Battery Storage	0	4,780
	Texas			
Defense-Wide	Fort Hood	Fuel Facilities	32,700	32,700
	Virginia			
Defense-Wide	Joint Expeditionary Base Little Creek—Story	SOF DCS Operations Fac. and Command Center	54,500	54,500
Defense-Wide	Joint Expeditionary Base Little Creek—Story	SOF NSWG–2 NSWTG CSS Facilities	58,000	58,000
	Washington			
Defense-Wide	Joint Base Lewis-McChord	Fuel Facilities (Lewis North)	10,900	10,900
Defense-Wide	Joint Base Lewis-McChord	Fuel Facilities (Lewis Main)	10,900	10,900
Defense-Wide	Manchester	Bulk Fuel Storage Tanks Phase 1	82,000	82,000
	Washington DC			
Defense-Wide	Joint Base Anacostia-Bolling	DIA HQ Cooling Towers and Cond Pumps	0	1,963
Defense-Wide	Joint Base Anacostia-Bolling	Industrial Controls System Modernization	0	8,749
Defense-Wide	Joint Base Anacostia-Bolling	PV Carports	0	25,221
	Worldwide Unspecified			
Defense-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	8,000	8,000
Defense-Wide	Unspecified Worldwide Locations	Planning and Design	27,746	27,746
Defense-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	4,922	4,922

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2021 Request	Senate Authorized
Defense-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	17,698	17,698
Defense-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	20,000	20,000
Defense-Wide	Unspecified Worldwide Locations	Energy Resilience and Conserv. Invest. Prog.	142,500	142,500
Defense-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	3,000	3,000
Defense-Wide	Unspecified Worldwide Locations	Planning and Design	10,647	10,647
Defense-Wide	Unspecified Worldwide Locations	ERCIP Design	14,250	14,250
Defense-Wide	Unspecified Worldwide Locations	Planning and Design	10,303	10,303
Defense-Wide	Unspecified Worldwide Locations	Exercise Related Minor Construction	5,840	5,840
Defense-Wide	Various Worldwide Locations	Planning and Design	32,624	32,624
Defense-Wide	Various Worldwide Locations	Unspecified Minor Construction	9,726	9,726
Defense-Wide	Various Worldwide Locations	Planning and Design	64,406	64,406
	Worlwide Unspecified			
Defense-Wide	Unspecified Worldwide Locations	Planning & Design—Military Installation Resiliency.	0	50,000
Defense-Wide	Unspecified Worldwide Locations	Planning & Design—Pacific Deterrence Initiative	0	15,000
SUBTOTAL DEFENSE-WIDE			**2,027,520**	**1,828,933**
ARMY NATIONAL GUARD				
	Arizona			
Army National Guard	Tucson	National Guard Readiness Center	18,100	18,100
	Arkansas			
Army National Guard	Fort Chaffee	National Guard Readiness Center	0	15,000
	California			
Army National Guard	Bakersfield	National Guard Vehicle Maintenance Shop	0	9,300
	Colorado			
Army National Guard	Peterson Air Force Base	National Guard Readiness Center	15,000	15,000
	Indiana			
Army National Guard	Shelbyville	National Guard/Reserve Center Building Add/Al	12,000	12,000
	Kentucky			
Army National Guard	Frankfort	National Guard/Reserve Center Building	15,000	15,000
	Mississippi			
Army National Guard	Brandon	National Guard Vehicle Maintenance Shop	10,400	10,400
	Nebraska			
Army National Guard	North Platte	National Guard Vehicle Maintenance Shop	9,300	9,300
	New Jersey			
Army National Guard	Joint Base McGuire-Dix-Lakehurst	National Guard Readiness Center	15,000	15,000
	Ohio			
Army National Guard	Columbus	National Guard Readiness Center	15,000	15,000
	Oklahoma			
Army National Guard	Ardmore	National Guard Vehicle Maintenance Shop	0	9,800
	Oregon			
Army National Guard	Hermiston	Enlisted Barracks, Transient Training	0	15,735
Army National Guard	Hermiston	Enlisted Barracks, Transient Training	9,300	9,300
	Puerto Rico			
Army National Guard	Fort Allen	National Guard Readiness Center	37,000	37,000
	South Carolina			
Army National Guard	Joint Base Charleston	National Guard Readiness Center	15,000	15,000
	Tennessee			
Army National Guard	Mcminnville	National Guard Readiness Center	11,200	11,200
	Texas			
Army National Guard	Fort Worth	National Guard Vehicle Maintenance Shop	7,800	7,800
Army National Guard	Fort Worth	Aircraft Maintenance Hangar Addition/Alt	6,000	6,000
	Utah			
Army National Guard	Nephi	National Guard Readiness Center	12,000	12,000
	Virgin Islands			
Army National Guard	St. Croix	Army Aviation Support Facility (AASF)	28,000	28,000
Army National Guard	St. Croix	CST Ready Building	11,400	11,400
	Wisconsin			
Army National Guard	Appleton	National Guard Readiness Center Add/Alt	11,600	11,600
	Worldwide Unspecified			
Army National Guard	Unspecified Worldwide Locations	Unspecified Minor Construction	32,744	32,744
Army National Guard	Unspecified Worldwide Locations	Planning and Design	29,593	29,593
SUBTOTAL ARMY NATIONAL GUARD			**321,437**	**371,272**
AIR NATIONAL GUARD				

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2021 Request	Senate Authorized
	Alabama			
Air National Guard	Montgomery Regional Airport	Base Supply Complex	0	12,000
Air National Guard	Montgomery Regional Airport	F–35 Simulator Facility	11,600	11,600
	Guam			
Air National Guard	Joint Region Marianas	Space Control Facility #5	20,000	20,000
	Maryland			
Air National Guard	Joint Base Andrews	F–16 Mission Training Center	9,400	9,400
	North Dakota			
Air National Guard	Hector International Airport	Consolidated RPA Operations Facility	0	17,500
	Texas			
Air National Guard	Joint Base San Antonio	F–16 Mission Training Center	10,800	10,800
	Worldwide Unspecified			
Air National Guard	Unspecified Worldwide Locations	Unspecified Minor Construction	9,000	9,000
Air National Guard	Various Worldwide Locations	Planning and Design	3,414	3,414
SUBTOTAL AIR NATIONAL GUARD			**64,214**	**93,714**
ARMY RESERVE				
	Florida			
Army Reserve	Gainesville	ECS TEMF/Warehouse	36,000	36,000
	Massachusetts			
Army Reserve	Devens Reserve Forces Training Area	Automated Multipurpose Machine Gun Range	8,700	8,700
	North Carolina			
Army Reserve	Asheville	Army Reserve Center/Land	24,000	24,000
	Wisconsin			
Army Reserve	Fort McCoy	Transient Training Barracks	0	2,500
Army Reserve	Fort McCoy	Scout Reconnaissance Range	14,600	14,600
	Worldwide Unspecified			
Army Reserve	Unspecified Worldwide Locations	Unspecified Minor Construction	3,819	3,819
Army Reserve	Unspecified Worldwide Locations	Planning and Design	1,218	1,218
SUBTOTAL ARMY RESERVE			**88,337**	**90,837**
NAVY RESERVE				
	Maryland			
Navy Reserve	Reisterstown	Reserve Training Center, Camp Fretterd, MD	39,500	39,500
	Minnesota			
Navy Reserve	NOSC Minneapolis	Joint Reserve Intel Center	0	12,800
	Utah			
Navy Reserve	Hill Air Force Base	Naval Operational Support Center	25,010	25,010
	Worldwide Unspecified			
Navy Reserve	Unspecified Worldwide Locations	MCNR Planning & Design	3,485	3,485
Navy Reserve	Unspecified Worldwide Locations	MCNR Minor Construction	3,000	3,000
SUBTOTAL NAVY RESERVE			**70,995**	**83,795**
AIR FORCE RESERVE				
	Texas			
Air Force Reserve	Fort Worth	F–35 Squadron Ops / Aircraft Maintenance Unit	0	25,000
Air Force Reserve	Fort Worth	F–35A Simulator Facility	14,200	14,200
	Worldwide Unspecified			
Air Force Reserve	Unspecified Worldwide Locations	Planning & Design	3,270	3,270
Air Force Reserve	Unspecified Worldwide Locations	Unspecified Minor Construction	5,647	5,647
SUBTOTAL AIR FORCE RESERVE			**23,117**	**48,117**
NATO SECURITY INVESTMENT PROGRAM				
	Worldwide Unspecified			
NATO Security Investment Program.	NATO Security Investment Program	NATO Security Investment Program	173,030	173,030
SUBTOTAL NATO SECURITY INVESTMENT PROGRAM			**173,030**	**173,030**
TOTAL MILITARY CONSTRUCTION			**6,161,724**	**6,111,724**
FAMILY HOUSING				
CONSTRUCTION, ARMY				
	Italy			
Construction, Army	Vicenza	Family Housing New Construction	84,100	84,100
	Kwajalein			

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2021 Request	Senate Authorized
Construction, Army	Kwajalein Atoll	Family Housing Replacement Construction	32,000	32,000
	Worldwide Unspecified			
Construction, Army	Unspecified Locations Worldwide	Family Housing P & D	3,300	3,300
SUBTOTAL CONSTRUCTION, ARMY			**119,400**	**119,400**
O&M, ARMY				
	Worldwide Unspecified			
O&M, Army	Unspecified Locations Worldwide	Management	39,716	39,716
O&M, Army	Unspecified Locations Worldwide	Services	8,135	8,135
O&M, Army	Unspecified Locations Worldwide	Furnishings	18,004	18,004
O&M, Army	Unspecified Locations Worldwide	Miscellaneous	526	526
O&M, Army	Unspecified Locations Worldwide	Maintenance	97,789	70,789
O&M, Army	Unspecified Locations Worldwide	Utilities	41,183	41,183
O&M, Army	Unspecified Locations Worldwide	Leasing	123,841	123,841
O&M, Army	Unspecified Locations Worldwide	Housing Privitization Support	37,948	64,948
SUBTOTAL O&M, ARMY			**367,142**	**367,142**
CONSTRUCTION, NAVY AND MARINE CORPS				
	Worldwide Unspecified			
Construction, Navy and Marine Corps.	Unspecified Locations Worldwide	USMC DPRI/Guam Planning and Design	2,726	2,726
Construction, Navy and Marine Corps.	Unspecified Locations Worldwide	Construction Improvements	37,043	37,043
Construction, Navy and Marine Corps.	Unspecified Locations Worldwide	Planning & Design	3,128	3,128
SUBTOTAL CONSTRUCTION, NAVY AND MARINE CORPS			**42,897**	**42,897**
O&M, NAVY AND MARINE CORPS				
	Worldwide Unspecified			
O&M, Navy and Marine Corps	Unspecified Locations Worldwide	Utilities	58,429	58,429
O&M, Navy and Marine Corps	Unspecified Locations Worldwide	Furnishings	17,977	17,977
O&M, Navy and Marine Corps	Unspecified Locations Worldwide	Management	51,006	51,006
O&M, Navy and Marine Corps	Unspecified Locations Worldwide	Miscellaneous	350	350
O&M, Navy and Marine Corps	Unspecified Locations Worldwide	Services	16,743	16,743
O&M, Navy and Marine Corps	Unspecified Locations Worldwide	Leasing	62,658	62,658
O&M, Navy and Marine Corps	Unspecified Locations Worldwide	Maintenance	85,630	85,630
O&M, Navy and Marine Corps	Unspecified Locations Worldwide	Housing Privatization Support	53,700	78,700
SUBTOTAL O&M, NAVY AND MARINE CORPS			**346,493**	**371,493**
CONSTRUCTION, AIR FORCE				
	Worldwide Unspecified			
Construction, Air Force	Unspecified Locations Worldwide	Construction Improvements	94,245	94,245
Construction, Air Force	Unspecified Locations Worldwide	Planning & Design	2,969	2,969
SUBTOTAL CONSTRUCTION, AIR FORCE			**97,214**	**97,214**
O&M, AIR FORCE				
	Worldwide Unspecified			
O&M, Air Force	Unspecified Locations Worldwide	Housing Privatization	23,175	48,175
O&M, Air Force	Unspecified Locations Worldwide	Utilities	43,173	43,173
O&M, Air Force	Unspecified Locations Worldwide	Management	64,732	64,732
O&M, Air Force	Unspecified Locations Worldwide	Services	7,968	7,968
O&M, Air Force	Unspecified Locations Worldwide	Furnishings	25,805	25,805

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2021 Request	Senate Authorized
O&M, Air Force	Unspecified Locations Worldwide	Miscellaneous	2,184	2,184
O&M, Air Force	Unspecified Locations Worldwide	Leasing	9,318	9,318
O&M, Air Force	Unspecified Locations Worldwide	Maintenance	140,666	140,666
SUBTOTAL O&M, AIR FORCE			**317,021**	**342,021**
O&M, DEFENSE-WIDE				
O&M, Defense-Wide	Worldwide Unspecified Locations Worldwide	Utilities	4,100	4,100
O&M, Defense-Wide	Unspecified Locations Worldwide	Furnishings	82	82
O&M, Defense-Wide	Unspecified Locations Worldwide	Utilities	13	13
O&M, Defense-Wide	Unspecified Locations Worldwide	Leasing	12,996	12,996
O&M, Defense-Wide	Unspecified Locations Worldwide	Maintenance	32	32
O&M, Defense-Wide	Unspecified Locations Worldwide	Furnishings	645	645
O&M, Defense-Wide	Unspecified Locations Worldwide	Leasing	36,860	36,860
SUBTOTAL O&M, DEFENSE-WIDE			**54,728**	**54,728**
IMPROVEMENT FUND				
Improvement Fund	Worldwide Unspecified Locations Worldwide	Administrative Expenses—FHIF	5,897	5,897
SUBTOTAL IMPROVEMENT FUND			**5,897**	**5,897**
UNACCMP HSG IMPROVEMENT FUND				
Unaccmp HSG Improvement Fund.	Worldwide Unspecified Locations Worldwide	Administrative Expenses—UHIF	600	600
SUBTOTAL UNACCMP HSG IMPROVEMENT FUND			**600**	**600**
TOTAL FAMILY HOUSING			**1,351,392**	**1,401,392**
DEFENSE BASE REALIGNMENT AND CLOSURE				
ARMY BRAC				
Army BRAC	Worldwide Unspecified Base Realignment & Closure, Army	Base Realignment and Closure	66,060	66,060
SUBTOTAL ARMY BRAC			**66,060**	**66,060**
NAVY BRAC				
Navy BRAC	Worldwide Unspecified Locations Worldwide	Base Realignment & Closure	125,165	125,165
SUBTOTAL NAVY BRAC			**125,165**	**125,165**
AIR FORCE BRAC				
Air Force BRAC	Worldwide Unspecified Locations Worldwide	Dod BRAC Activities—Air Force	109,222	109,222
SUBTOTAL AIR FORCE BRAC			**109,222**	**109,222**
TOTAL DEFENSE BASE REALIGNMENT AND CLOSURE			**300,447**	**300,447**
TOTAL MILITARY CONSTRUCTION, FAMILY HOUSING, AND BRAC			**7,813,563**	**7,813,563**

SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Account	State or Country and Installation	Project Title	FY 2021 Request	Senate Authorized
MILITARY CONSTRUCTION				
ARMY				

SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Account	State or Country and Installation	Project Title	FY 2021 Request	Senate Authorized
	Worldwide Unspecified			
Army	Unspecified Worldwide Locations	EDI: Planning and Design	11,903	11,903
Army	Unspecified Worldwide Locations	EDI: Minor Construction	3,970	3,970
SUBTOTAL ARMY			**15,873**	**15,873**
NAVY				
	Spain			
Navy	Rota	EDI: Expeditionary Maintenance Facility	27,470	27,470
Navy	Rota	EDI: EOD Boat Shop	31,760	31,760
	Worldwide Unspecified			
Navy	Unspecified Worldwide Locations	Planning & Design	10,790	10,790
SUBTOTAL NAVY			**70,020**	**70,020**
AIR FORCE				
	Germany			
Air Force	Ramstein	EDI: Rapid Airfield Damage Repair Storage	36,345	36,345
Air Force	Spangdahlem AB	EDI: Rapid Airfield Damage Repair Storage	25,824	25,824
	Romania			
Air Force	Campia Turzii	EDI: Dangerous Cargo Pad	11,000	11,000
Air Force	Campia Turzii	EDI: POL Increase Capacity	32,000	32,000
Air Force	Campia Turzii	EDI: ECAOS DABS-FEV Storage Complex	68,000	68,000
Air Force	Campia Turzii	EDI: Parking Apron	19,500	19,500
	Worldwide Unspecified			
Air Force	Unspecified Worldwide Locations	EDI: Unspecified Minor Military Construction	16,400	16,400
Air Force	Various Worldwide Locations	EDI: Planning & Design	54,800	54,800
SUBTOTAL AIR FORCE			**263,869**	**263,869**
TOTAL MILITARY CONSTRUCTION			**349,762**	**349,762**
TOTAL MILITARY CONSTRUCTION, FAMILY HOUSING, AND BRAC			**349,762**	**349,762**

TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS.

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2021 Request	Senate Authorized
Discretionary Summary by Appropriation		
Energy and Water Development and Related Agencies		
Appropriation Summary:		
Energy Programs		
Nuclear energy	137,800	137,800
Atomic Energy Defense Activities		
National Nuclear Security Administration:		
Federal Salaries and Expenses	454,000	454,000
Weapons activities	15,602,000	15,602,000
Defense nuclear nonproliferation	2,031,000	2,031,000
Naval reactors	1,684,000	1,684,000
Total, National Nuclear Security Administration	**19,771,000**	**19,771,000**
Defense environmental cleanup	4,983,608	5,083,608
Other defense activities	1,054,727	904,727
Total, Atomic Energy Defense Activities	**25,809,335**	**25,759,335**
Total, Discretionary Funding	**25,947,135**	**25,897,135**
Nuclear Energy		
Idaho sitewide safeguards and security	137,800	137,800
Total, Nuclear Energy	**137,800**	**137,800**
National Nuclear Security Administration		

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2021 Request	Senate Authorized
Federal Salaries and Expenses		
Program direction	454,000	454,000
Weapons Activities		
Stockpile management		
Stockpile major modernization		
B61 Life extension program	815,710	815,710
W76 Life extension program	0	0
W76–2 Modification program	0	0
W88 Alteration program	256,922	256,922
W80–4 Life extension program	1,000,314	1,000,314
W87–1 Modification Program (formerly IW1)	541,000	541,000
W93	53,000	53,000
Total, Stockpile major modernization	**2,666,946**	**2,666,946**
Stockpile sustainment	998,357	998,357
Weapons dismantlement and disposition	50,000	50,000
Production operations	568,941	568,941
Total, Stockpile management	**4,284,244**	**4,284,244**
Production modernization		
Primary capability modernization		
Plutonium modernization		
Los Alamos plutonium modernization		
Los Alamos Plutonium Operations	610,599	610,599
21–D–512, Plutonium Pit Production Project, LANL	226,000	226,000
Subtotal, Los Alamos plutonium modernization	**836,599**	**836,599**
Savannah River plutonium modernization		
Savannah River plutonium operations	200,000	200,000
21–D–511, Savannah River Plutonium Processing Facility, SRS	241,896	241,896
Subtotal, Savannah River plutonium modernization	**441,896**	**441,896**
Enterprise Plutonium Support	90,782	90,782
Total, Plutonium Modernization	**1,369,277**	**1,369,277**
High Explosives & Energetics	67,370	67,370
Total, Primary capability modernization	**1,436,647**	**1,436,647**
Secondary Capability Modernization	457,004	457,004
Tritium and Domestic Uranium Enrichment	457,112	457,112
Non-Nuclear Capability Modernization	107,137	107,137
Total, Production modernization	**2,457,900**	**2,457,900**
Stockpile research, technology, and engineering		
Assessment science	773,111	773,111
Engineering and integrated assessments	337,404	337,404
Intertial confinement fusion	554,725	554,725
Advanced simulation and computing	732,014	732,014
Weapon technology and manufacturing maturation	297,965	297,965
Academic programs	86,912	86,912
Total, Stockpile research, technology, and engineering	**2,782,131**	**2,782,131**
Infrastructure and operations		
Operating		
Operations of facilities	1,014,000	1,014,000
Safety and Environmental Operations	165,354	165,354
Maintenance and Repair of Facilities	792,000	792,000
Recapitalization		
Infrastructure and Safety	670,000	670,000
Capabilities Based Investments	149,117	149,117
Planning for Programmatic Construction (Pre-CD–1)	84,787	84,787
Subtotal, Recapitalization	**903,904**	**903,904**
Total, Operating	**2,875,258**	**2,875,258**
I&O: Construction		
Programmatic		
21–D–510, HE Synthesis, Formulation, and Production Facility, PX	31,000	31,000
18–D–690, Lithium Processing Facility, Y–12	109,405	109,405
18–D–650, Tritium Finishing Facility, SRS	27,000	27,000
18–D–620, Exascale Computing Facility Modernization Project, LLNL	29,200	29,200
17–D–640, U1a Complex Enhancements Project, NNSS	160,600	160,600
15–D–302, TA–55 Reinvestment Project—Phase 3, LANL	30,000	30,000
15–D–301, HE Science & Engineering Facility, PX	43,000	43,000
07–D–220-04, Transuranic Liquid Waste Facility, LANL	36,687	36,687
06–D–141, Uranium Processing Facility, Y–12	750,000	750,000
04–D–125, Chemistry and Metallurgy Research Replacement Project, LANL	169,427	169,427
Total, Programmatic	**1,386,319**	**1,386,319**
Mission enabling		
19–D–670, 138kV Power Transmission System Replacement, NNSS	59,000	59,000
15–D–612, Emergency Operations Center, LLNL	27,000	27,000
15–D–611, Emergency Operations Center, SNL	36,000	36,000
Total, Mission enabling	**122,000**	**122,000**
Total, I&O construction	**1,508,319**	**1,508,319**
Total, Infrastructure and operations	**4,383,577**	**4,383,577**

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2021 Request	Senate Authorized
Secure transportation asset		
Operations and equipment	266,390	266,390
Program direction	123,684	123,684
Total, Secure transportation asset	**390,074**	**390,074**
Defense nuclear security		
Operations and maintenance	815,895	815,895
Security improvements program	0	0
Construction:		
17–D–710, West end protected area reduction project, Y–12	11,000	11,000
Subtotal, construction	**11,000**	**11,000**
Total, Defense nuclear security	**826,895**	**826,895**
Information technology and cybersecurity	**375,511**	375,511
Legacy contractor pensions	**101,668**	101,668
Total, Weapons activities	**16,056,000**	**16,056,000**
Adjustments		
Use of prior year balances	0	0
Total, Adjustments	**0**	**0**
Total, Weapons Activities	**15,602,000**	**15,602,000**
Defense Nuclear Nonproliferation		
Defense Nuclear Nonproliferation Programs		
Material management and minimization		
Conversion (formerly HEU Reactor Conversion)	170,000	170,000
Nuclear material removal	40,000	40,000
Material disposition	190,711	190,711
Laboratory and partnership support	0	0
Total, Material management & minimization	**400,711**	**400,711**
Global material security		0
International nuclear security	66,391	66,391
Domestic radiological security	101,000	101,000
International radiological security	73,340	73,340
Nuclear smuggling detection and deterrence	159,749	159,749
Total, Global material security	**400,480**	**400,480**
Nonproliferation and arms control	138,708	138,708
National Technical Nuclear Forensics R&D	40,000	40,000
Defense nuclear nonproliferation R&D		
Proliferation detection	235,220	235,220
Nonproliferation Stewardship program	59,900	59,900
Nuclear detonation detection	236,531	236,531
Nonproliferation fuels development	0	0
Total, Defense Nuclear Nonproliferation R&D	**531,651**	**531,651**
Nonproliferation construction		
U. S. Construction:		
18–D–150 Surplus Plutonium Disposition Project	148,589	148,589
99–D–143, Mixed Oxide (MOX) Fuel Fabrication Facility, SRS	0	0
Total, U. S. Construction:	**148,589**	**148,589**
Total, Nonproliferation construction	**148,589**	**148,589**
Total, Defense Nuclear Nonproliferation Programs	**1,660,139**	**1,660,139**
Legacy contractor pensions	14,348	14,348
Nuclear counterterrorism and incident response program		
Emergency Operations	36,000	36,000
Counterterrorism and Counterproliferation	341,513	341,513
Total, Nuclear counterterrorism and incident response program	**377,513**	**377,513**
Subtotal, Defense Nuclear Nonproliferation	**2,052,000**	**2,052,000**
Adjustments		
Use of prior year balances	–21,000	–21,000
Total, Adjustments	**–21,000**	**–21,000**
Total, Defense Nuclear Nonproliferation	**2,031,000**	**2,031,000**
Naval Reactors		
Naval reactors development	590,306	590,306
Columbia-Class reactor systems development	64,700	64,700
S8G Prototype refueling	135,000	135,000
Naval reactors operations and infrastructure	506,294	506,294
Program direction	53,700	53,700
Construction:		
21–D–530 KL Steam and Condensate Upgrades	4,000	4,000
14–D–901, Spent fuel handling recapitalization project, NRF	330,000	330,000
Total, Construction	**334,000**	**334,000**
Transfer to NE—Advanced Test Reactor (non-add)	0	0
Total, Naval Reactors	**1,684,000**	**1,684,000**

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2021 Request	Senate Authorized
TOTAL, National Nuclear Security Administration	**19,771,000**	**19,771,000**
Defense Environmental Cleanup		
Closure sites administration	4,987	4,987
Richland:		
River corridor and other cleanup operations	54,949	54,949
Central plateau remediation	498,335	498,335
Richland community and regulatory support	2,500	2,500
18–D–404 Modification of Waste Encapsulation and Storage Facility	0	0
Total, Richland	**555,784**	**555,784**
Office of River Protection:		
Waste Treatment Immobilization Plant Commissioning	50,000	50,000
Rad liquid tank waste stabilization and disposition	597,757	597,757
Construction:		
18–D–16 Waste treatment and immobilization plant—LBL/Direct feed LAW	609,924	609,924
15–D–409 Low activity waste pretreatment system, ORP	0	0
01–D–16 D, High-level waste facility	0	0
01–D–16 E, Pretreatment Facility	0	0
Total, Construction	**609,924**	**609,924**
ORP Low-level waste offsite disposal	0	0
Total, Office of River Protection	**1,257,681**	**1,257,681**
Idaho National Laboratory:		
Idaho cleanup and waste disposition	257,554	257,554
ID Excess facilities R&D	0	0
Idaho community and regulatory support	2,400	2,400
Total, Idaho National Laboratory	**259,954**	**259,954**
NNSA sites and Nevada off-sites		
Lawrence Livermore National Laboratory	1,764	1,764
LLNL Excess facilities R&D	0	0
Separations Process Research Unit	15,000	15,000
Nevada Test Site	60,737	60,737
Sandia National Laboratories	4,860	4,860
Los Alamos National Laboratory	120,000	220,000
Execute achievable scope of work		(100,000)
Total, NNSA sites and Nevada off-sites	**202,361**	**302,361**
Oak Ridge Reservation:		
OR Nuclear facility D & D	109,077	109,077
U233 Disposition Program	45,000	45,000
OR cleanup and waste disposition	58,000	58,000
Construction:		
17–D–401 On-site waste disposal facility	22,380	22,380
14–D–403 Outfall 200 Mercury Treatment Facility	20,500	20,500
Subtotal, Construction:	**42,880**	**42,880**
OR community & regulatory support	4,930	4,930
OR technology development and deployment	3,000	3,000
Total, Oak Ridge Reservation	**262,887**	**262,887**
Savannah River Site:		
Savannah River risk management operations	455,122	455,122
SR community and regulatory support	4,989	4,989
Radioactive liquid tank waste:		
Construction:		
20–D–402 Advanced Manufacturing Collaborative Facility (AMC)	25,000	25,000
20–D–401 Saltstone Disposal Unit #10, 11, 12	0	0
19–D–701 SR Security system replacement	0	0
18–D–402,Saltstone disposal unit #8/9	65,500	65,500
17–D–402—Saltstone Disposal Unit #7	10,716	10,716
05–D–405 Salt waste processing facility, SRS	0	0
Total, Construction, Radioactive liquid tank waste	**101,216**	**101,216**
Radioactive liquid tank waste stabilization	970,332	970,332
Total, Savannah River Site	**1,531,659**	**1,531,659**
Waste Isolation Pilot Plant		
Waste Isolation Pilot Plant	323,260	323,260
Construction:		
15–D–411 Safety significant confinement ventilation system, WIPP	0	0
15–D–412 Exhaust shaft, WIPP	50,000	50,000
21–D–401 Hoisting Capability Project	10,000	10,000
Total, Construction	**60,000**	**60,000**
Total, Waste Isolation Pilot Plant	**383,260**	**383,260**
Program direction—Defense Environment Cleanup	275,285	275,285
Program support—Defense Environment Cleanup	12,979	12,979
Safeguards and Security—Defense Environment Cleanup	320,771	320,771
Technology development and deployment	25,000	25,000
Use of prior year balances	0	0
Subtotal, Defense environmental cleanup	**5,092,608**	**5,192,608**

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2021 Request	Senate Authorized
Rescission:		
Rescission of prior year balances	–109,000	–109,000
TOTAL, Defense Environmental Cleanup	**4,983,608**	**5,083,608**
Other Defense Activities		
Environment, health, safety and security		
Environment, health, safety and security mission support	134,320	134,320
Program direction	75,368	75,368
Total, Environment, health, safety and security	**209,688**	**209,688**
Independent enterprise assessments		
Enterprise assessments	26,949	26,949
Program direction—Office of Enterprise Assessments	54,635	54,635
Total, Office of Enterprise Assessments	**81,584**	**81,584**
Specialized security activities	258,411	258,411
Office of Legacy Management		
Legacy management activities—defense	293,873	143,873
Maintain current program administration		(–150,000)
Program direction	23,120	23,120
Total, Office of Legacy Management	**316,993**	**166,993**
Defense related administrative support	183,789	183,789
Office of hearings and appeals	4,262	4,262
Subtotal, Other defense activities	**1,054,727**	**904,727**
Use of prior year balances	0	0
Total, Other Defense Activities	**1,054,727**	**904,727**

DIVISION E—ADDITIONAL PROVISIONS

TITLE LI—PROCUREMENT

Subtitle B—Army Programs

SEC. 5111. REPORT ON CH–47F CHINOOK BLOCK-II UPGRADE.

(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 the Army, shall submit to the congressional defense committees a report that includes the following elements:

(1) An analysis of the warfighting capability currently delivered by the Block I and Block II configurations of H–47 Chinook helicopters.

(2) An analysis of the feasibility and advisability of delaying or terminating the CH–47F Chinook Block-II upgrade.

(3) A plan to ensure that warfighter capability is not negatively affected by the delay or termination of the CH–47F Chinook Block-II upgrade.

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

Subtitle C—Navy Programs

SEC. 5121. LIMITATION ON ALTERATION OF NAVY FLEET MIX.

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

(1) the United States shipbuilding and supporting vendor base constitute a national security imperative that is unique and must be protected;

(2) a healthy and efficient industrial base continues to be a fundamental driver for achieving and sustaining a successful shipbuilding procurement strategy;

(3) without consistent and continuous commitment to steady and predictable acquisition profiles, the industrial base will struggle and some elements may not survive; and

(4) proposed reductions in the future-years defense program to the DDG–51 Destroyer procurement profile without a clear transition to procurement of the next Large Surface Combatant would adversely affect the shipbuilding industrial base and long-term strategic objectives of the Navy.

(b) LIMITATION.—

(1) IN GENERAL.—The Secretary of the Navy may not deviate from the 2016 Navy Force Structure Assessment to implement the results of a new force structure assessment or new annual long-range plan for construction of naval vessels that would reduce the requirement for Large Surface Combatants to fewer than 104 such vessels until the date on which the Secretary of the Navy submits to the congressional defense committees the certification under paragraph (2) and the report under subsection (c).

(2) CERTIFICATION.—The certification referred to in paragraph (1) is a certification, in writing, that each of the following conditions have been satisfied:

(A) The large surface combatant shipbuilding industrial base and supporting vendor base would not significantly deteriorate due to a reduced procurement profile.

(B) The Navy can mitigate the reduction in anti-air and ballistic missile defense capabilities due to having a reduced number of DDG–51 Destroyers with the advanced AN/SPY–6 radar in the next three decades.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report that includes—

(1) a description of likely detrimental impacts to the large surface combatant industrial base and the Navy's plan to mitigate any such impacts if the fiscal year 2021 future-years defense program were implemented as proposed;

(2) a review of the benefits to the Navy fleet of the new AN/SPY–6 radar to be deployed aboard Flight III variant DDG–51 Destroyers, which are currently under construction, as well as an analysis of impacts to the fleet's warfighting capabilities, should the number of such destroyers be reduced; and

(3) a plan to fully implement section 131 of the National Defense Authorization for Fiscal Year 2020 (Public Law 116–92), including subsystem prototyping efforts and funding by fiscal year.

TITLE LII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 5211. IMPORTANCE OF HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND MINORITY-SERVING INSTITUTIONS.

(a) INCREASE.—Funds authorized to be appropriated in Research, Development, Test, and Evaluation, Defense-wide, PE 0601228D8Z, section 4201, for Basic Research, Historically Black Colleges and Universities/Minority Institutions, Line 006, are hereby increased by $14,025,000.

(b) OFFSET.—Funding in section 4101 for Other Procurement, Army, for Automated Data Processing Equipment, Line 112, is hereby reduced by $14,025,000.

Subtitle C—Plans, Reports, and Other Matters

SEC. 5231. REPORT ON DEPARTMENT OF DEFENSE STRATEGY ON ARTIFICIAL INTELLIGENCE STANDARDS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the role of the Department of Defense in the development of artificial intelligence standards.

(b) CONTENTS.—The report required by subsection (a) shall include an assessment of each of the following:

(1) The need for the Department of Defense to develop an artificial intelligence standards strategy.

(2) Any efforts to date on the development of such a strategy.

(3) The ways in which an artificial intelligence standards strategy will improve the national security.

(4) How the Secretary intends to collaborate with—

(A) the Director of the National Institute of Standards and Technology;

(B) the Secretary of Homeland Security;

(C) the intelligence community;

(D) the Secretary of State;

(E) representatives of private industry, specifically representatives of the defense industrial base; and

(F) representatives of any other agencies, entities, organizations, or persons the Secretary considers appropriate.

SEC. 5232. STUDY ON ESTABLISHMENT OF ENERGETICS PROGRAM OFFICE.

The Under Secretary of Defense for Research and Engineering shall conduct a study to assess the feasibility and advisability of establishing a program office to coordinate energetics research and to ensure a robust and sustained energetics material enterprise.

TITLE LIII—OPERATION AND MAINTENANCE

Subtitle C—Logistics and Sustainment

SEC. 5331. USE OF COST SAVINGS REALIZED FROM INTERGOVERNMENTAL SERVICES AGREEMENTS FOR INSTALLATION-SUPPORT SERVICES.

(a) REQUIREMENT.—Section 2679 of title 10, United States Code, is amended—

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

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

''(d) USE OF COST SAVINGS REALIZED.—(1) With respect to a fiscal year in which cost savings are realized as a result of entering into an intergovernmental support agreement under this section for a military installation, the Secretary concerned shall make not less than 25 percent of the amount of such savings available for use by the commander of the installation solely for sustainment restoration and modernization requirements that have been approved by the major subordinate command or equivalent component.

''(2) Not less frequently than annually, the Secretary concerned shall certify to the congressional defense committee the amount of the cost savings achieved, the source and type of intergovernmental support agreement that achieved the savings, and the manner in which those savings were deployed, disaggregated by installation.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to fiscal year 2021 and each subsequent fiscal year.

Subtitle D—Reports

SEC. 5351. REPORT ON NON-PERMISSIVE, GLOBAL POSITIONING SYSTEM DENIED AIRFIELD CAPABILITIES.

(a) IN GENERAL.—Not later than February 1, 2021, the Secretary of Defense shall submit to the congressional defense committees a report assessing the ability of each combatant command to conduct all-weather, day-night airfield operations in a non-permissive, global positioning system denied environment.

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

(1) An assessment of current air traffic control and landing systems at existing airfields and contingency airfields.

(2) An assessment of the ability of each combatant command to conduct all-weather, day-night airfield flight operations in a non-permissive, global positioning system denied environment at existing and contingency airfields, including aircraft tracking and precision landing.

(3) An assessment of the ability of each combatant command to rapidly set up and conduct operations at alternate airfields, including the ability to receive and deploy forces in a non-permissive, global positioning system denied environment.

(4) A list of backup systems in place or prepositioned to be able to reconstitute operations after an attack.

Subtitle E—Other Matters

SEC. 5371. INCREASE OF AMOUNTS AVAILABLE TO MARINE CORPS FOR BASE OPERATIONS AND SUPPORT.

(a) INCREASE OF BASE OPERATIONS AND SUPPORT.—The amount authorized to be appropriated for fiscal year 2021 for operation and maintenance for the Marine Corps, is hereby increased by $47,600,000, with the amount of the increase to be available for base operations and support (SAG BSS1).

(b) OFFSETS.—

(1) OPERATION AND MAINTENANCE.—The amount authorized to be appropriated for fiscal year 2021 for operation and maintenance for the Marine Corps, is hereby reduced by $4,700,000, with the amount of the reduction to be derived from SAG 1A1A.

(2) MODIFICATION KIT PROCUREMENT.—The amount authorized to be appropriated for fiscal year 2021 for procurement for the Marine Corps, is hereby reduced by $3,100,000, with the amount of the reduction to be derived from Line 7, Modification Kits.

(3) DIRECT SUPPORT MUNITION PROCUREMENT.—The amount authorized to be appropriated for fiscal year 2021 for procurement and ammunition for the Marine Corps, is hereby reduced by $39,800,000, with the amount of the reduction to be derived from Line 17, Direct Support Munitions.

SEC. 5372. MODERNIZATION OF CONGRESSIONAL REPORTS PROCESS.

(a) INCREASE IN O&M, DEFENSE-WIDE ACTIVITIES.—The amount authorized to be appropriated for fiscal year 2021 by section 301 is hereby increased by $2,000,000, with the amount of the increase to be available for operation and maintenance, Defense-wide activities, for SAG 4GTN Office of the Secretary of Defense for modernization of the congressional reports process.

(b) OFFSET.—The amount authorized to be appropriated for fiscal year 2021 by section 301 is hereby decreased by $2,000,000, with the amount of the decrease to be applied against amounts available for operation and maintenance, Army, for SAG 421 for Servicewide Transportation for historical underexecution.

TITLE LV—MILITARY PERSONNEL POLICY

Subtitle C—General Service Authorities

SEC. 5516. REPORT ON IMPLEMENTATION OF RECOMMENDATIONS OF THE COMPTROLLER GENERAL OF THE UNITED STATES ON RECRUITMENT AND RETENTION OF FEMALE MEMBERS OF THE ARMED FORCES.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a comprehensive plan to implement and accomplish the recommendations for the Department of Defense in keeping with the May 2020 report of the Government Accountability Office titled ''Female Active-Duty Personnel: Guidance and Plans Needed for Recruitment and Retention Efforts'', namely the recommendations as follows:

(1) The Secretary of Defense must ensure that the Under Secretary of Defense for Personnel and Readiness provides guidance to each of the Armed Forces to develop plans, with clearly defined goals, performance measures, and timeframes, to guide and monitor the efforts in connection with the recruitment and retention of female members.

(2) Each Secretary of a military department must develop a plan, with clearly defined goals, performance measures, and timeframes, to guide and monitor the efforts of each Armed Force under the jurisdiction of such Secretary in connection with the recruitment and retention of female members in such Armed Force.

Subtitle F—Decorations and Awards

SEC. 5551. REPORT ON REGULATIONS AND PROCEDURES TO IMPLEMENT PROGRAMS ON AWARD OF MEDALS OR COMMENDATIONS TO HANDLERS OF MILITARY WORKING DOGS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the regulations and other procedures prescribed by the Secretaries of the military departments in order to implement and carry out the programs of the military departments on the award of medals or other commendations to handlers of military working dogs required by section 582 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1787; 10 U.S.C. 1121 note prec.).

Subtitle G—Defense Dependents' Education and Military Family Readiness Matters

PART II—MILITARY FAMILY READINESS MATTERS

SEC. 5571. INDEPENDENT STUDY AND REPORT ON MILITARY SPOUSE UNDEREMPLOYMENT.

(a) INDEPENDENT STUDY.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall seek to enter into a contract with a Federally funded research and development center to conduct a study on underemployment among military spouses. The study shall consider, at a minimum, the following:

(1) The prevalence of unemployment and underemployment among military spouses, including differences by Armed Force, region, State, education level, and income level.

(2) The causes of unemployment and underemployment among military spouses.

(3) The differences in unemployment and underemployment between military spouses and civilians.

(4) Barriers to small business ownership and entrepreneurship faced by military spouses.

(b) SUBMITTAL TO DOD.—Not later than 240 days after the date of the enactment of this Act, the Federally funded research and development center with which the Secretary contracts pursuant to subsection (a) shall submit to the Secretary a report containing the results of the study conducted pursuant to that subsection.

(c) TRANSMITTAL TO CONGRESS.—Not later than 270 days after the date of the enactment of this Act, the Secretary shall transmit to the appropriate committees of Congress the report under subsection (b), without change.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means the following—

(1) the Committee on Armed Services, the Committee on Health, Education, Labor, and Pensions, the Committee on Small Business and Entrepreneurship, and Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Education and Labor, the Committee on Small Business, and Committee on Appropriations of the House of Representatives.

Subtitle H—Other Matters

SEC. 5586. QUESTIONS REGARDING RACISM, ANTI-SEMITISM, AND SUPREMACISM IN WORKPLACE SURVEYS ADMINISTERED BY THE SECRETARY OF DEFENSE.

Section 593 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended—

(1) by inserting ''(a) QUESTIONS REQUIRED.—'' before ''The Secretary'';

(2) in paragraph (1), by inserting ''racist, anti-Semitic, or supremacist'' after ''extremist''; and

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

''(b) REPORT.—Not later than March 1, 2021, the Secretary shall submit to Congress a report including—

''(1) the text of the questions included in surveys under subsection (a); and

''(2) which surveys include such questions.''.

SEC. 5587. BRIEFING ON THE IMPLEMENTATION OF REQUIREMENTS ON CONNECTIONS OF RETIRING AND SEPARATING MEMBERS OF THE ARMED FORCES WITH COMMUNITY-BASED ORGANIZATIONS AND RELATED ENTITIES.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall brief Congress on the current status of the implementation of the requirements of section 570F of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1401; 10 U.S.C. 1142 note), relating to connections of retiring and separating members of the Armed Forces with community-based organizations and related entities.

SEC. 5590. PILOT PROGRAMS ON REMOTE PROVISION BY NATIONAL GUARD TO STATE GOVERNMENTS AND NATIONAL GUARDS OF OTHER STATES OF CYBERSECURITY TECHNICAL ASSISTANCE IN TRAINING, PREPARATION, AND RESPONSE TO CYBER INCIDENTS.

(a) INEFFECTIVENESS OF SECTION 590.—Section 590 shall have no force or effect.

(b) PILOT PROGRAMS AUTHORIZED.—The Secretary of the Army and the Secretary of the Air Force may each, in coordination with the Secretary of Homeland Security and in consultation with the Chief of the National Guard Bureau, conduct a pilot program to assess the feasibility and advisability of the development of a capability within the National Guard through which a National Guard of a State remotely provides State governments and National Guards of other States (whether or not in the same Armed Force as the providing National Guard) with cybersecurity technical assistance in training, preparation, and response to cyber incidents. If such Secretary elects to conduct such a pilot program, such Secretary shall be known as an ''administering Secretary'' for purposes of this section, and any reference in this section to ''the pilot program'' shall be treated as a reference to the pilot program conducted by such Secretary.

(c) ASSESSMENT PRIOR TO COMMENCEMENT.—For purposes of evaluating existing platforms, technologies, and capabilities under subsection (d), and for establishing eligibility and participation requirements under subsection (d), for purposes of the pilot program, an administering Secretary, in consultation with the Chief of the National Guard Bureau, shall, prior to commencing the pilot program—

(1) conduct an assessment of—

(A) existing cyber response capacities of the Army National Guard or Air National Guard, as applicable, in each State; and

(B) any existing platform, technology, or capability of a National Guard that provides the capability described in subsection (b); and

(2) determine whether a platform, technology, or capability described in paragraph (1)(B) is suitable for expansion for purposes of the pilot program.

(d) ELEMENTS.—A pilot program under subsection (b) shall include the following:

(1) A technical capability that enables the National Guard of a State to remotely provide cybersecurity technical assistance to State governments and National Guards of other States, without the need to deploy outside its home State.

(2) Policies, processes, procedures, and authorities for use of such a capability, including with respect to the following:

(A) The roles and responsibilities of both requesting and deploying State governments and National Guards with respect to such technical assistance, taking into account the matters specified in subsection (g).

(B) Necessary updates to the Defense Cyber Incident Coordinating Procedure, or any other applicable Department of Defense instruction, for purposes of implementing the capability.

(C) Program management and governance structures for deployment and maintenance of the capability.

(D) Security when performing remote support, including such in matters such as authentication and remote sensing.

(3) The conduct, in coordination with the Chief of the National Guard Bureau and the Secretary of Homeland Security and in consultation with the Director of the Federal Bureau of Investigation, other Federal agencies, and appropriate non-Federal entities, of at least one exercise to demonstrate the capability, which exercise shall include the following:

(A) Participation of not fewer than two State governments and their National Guards.

(B) Circumstances designed to test and validate the policies, processes, procedures, and authorities developed pursuant to paragraph (2).

(C) An after action review of the exercise.

(e) USE OF EXISTING TECHNOLOGY.—An administering Secretary may use an existing platform, technology, or capability to provide the capability described in subsection (b) under the pilot program.

(f) ELIGIBILITY AND PARTICIPATION REQUIREMENTS.—An administering Secretary shall, in consultation with the Chief of the National Guard Bureau, establish requirements with respect to eligibility and participation of State governments and their National Guards in the pilot program.

(g) CONSTRUCTION WITH CERTAIN CURRENT AUTHORITIES.—

(1) COMMAND AUTHORITIES.—Nothing in a pilot program under subsection (b) may be construed as affecting or altering the command authorities otherwise applicable to any unit of the National Guard unit participating in the pilot program.

(2) EMERGENCY MANAGEMENT ASSISTANCE COMPACT.—Nothing in a pilot program may be construed as affecting or altering any current agreement under the Emergency Management Assistance Compact, or any other State agreements, or as determinative of the future content of any such agreement.

(h) EVALUATION METRICS.—An administering Secretary shall, in consultation with the Chief of the National Guard Bureau and the Secretary of Homeland Security, establish metrics to evaluate the effectiveness of the pilot program.

(i) TERM.—A pilot program under subsection (b) shall terminate on the date that is three years after the date of the commencement of the pilot program.

(j) REPORTS.—

(1) INITIAL REPORT.—Not later than 180 days after the date of the commencement of the pilot program, the administering Secretary, in coordination with the Secretary of Homeland Security, shall submit to the appropriate committees of Congress a report setting forth a description of the pilot program and such other matters in connection with the pilot program as the Secretary considers appropriate.

(2) FINAL REPORT.—Not later than 180 days after the termination of the pilot program, the administering Secretary, in coordination with the Secretary of Homeland Security, shall submit to the appropriate committees of Congress a report on the pilot program. The report shall include the following:

(A) A description of the pilot program, including any partnerships entered into by the Chief of the National Guard Bureau under the pilot program.

(B) A summary of the assessment performed prior to the commencement of the pilot program in accordance with subsection (c).

(C) A summary of the evaluation metrics established in accordance with subsection (h).

(D) An assessment of the effectiveness of the pilot program, and of the capability described in subsection (b) under the pilot program.

(E) A description of costs associated with the implementation and conduct of the pilot program.

(F) A recommendation as to the termination or extension of the pilot program, or the making of the pilot program permanent with an expansion nationwide.

(G) An estimate of the costs of making the pilot program permanent and expanding it nationwide in accordance with the recommendation in subparagraph (F).

(H) Such recommendations for legislative or administrative action as the Secretary considers appropriate in light of the pilot program.

(3) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Armed Services and the Committee on Homeland Security of the House of Representatives.

(k) STATE DEFINED.—In this section, the term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

TITLE LVII—HEALTH CARE PROVISIONS

Subtitle A—TRICARE and Other Health Care Provisions

SEC. 5707. PILOT PROGRAM ON RECEIPT OF NONGENERIC PRESCRIPTION MAINTENANCE MEDICATIONS UNDER TRICARE PHARMACY BENEFITS PROGRAM.

The reference in section 707(c) to section 1074g(a)(9)(C)(i) of title 10, United States Code, is deemed to be a reference to section 1074g(a)(9)(C)(ii) of title 10, United States Code.

Subtitle B—Health Care Administration

SEC. 5723. AUTHORITY OF SECRETARY OF DEFENSE TO WAIVE REQUIREMENTS DURING NATIONAL EMERGENCIES FOR PURPOSES OF PROVISION OF HEALTH CARE.

Section 723 and the amendments made by that section shall have no force or effect.

Subtitle C—Reports and Other Matters

SEC. 5741. STUDY AND REPORT ON SURGE CAPACITY OF DEPARTMENT OF DEFENSE TO ESTABLISH NEGATIVE AIR ROOM CONTAINMENT SYSTEMS IN MILITARY MEDICAL TREATMENT FACILITIES.

(a) STUDY.—The Director of the Defense Health Agency shall conduct a study on the use, scalability, and military requirements for commercial off the shelf negative air pressure room containment systems in order to improve pandemic preparedness at military medical treatment facilities worldwide,

to include an assessment of whether such systems would improve the readiness of the Department of Defense to expand capability and capacity to evaluate and treat patients at such facilities during a pandemic.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of the Defense Health Agency shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the findings of the study conducted under subsection (a).

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

Subtitle A—Industrial Base Matters

SEC. 5801. REPORT ON USE OF DOMESTIC NONAVAILABILITY DETERMINATIONS.

Not later than September 30, 2021, and annually thereafter, the Secretary of Defense shall submit a report to congressional defense committees—

(1) describing in detail the use of any waiver or exception to the requirements of section 2533a of title 10, United States Code, relating to domestic nonavailability determinations;

(2) providing reasoning for the use of each such waiver or exception; and

(3) providing an assessment of the impact on the use of such waivers or exceptions due to the COVID–19 pandemic and associated challenges with investments in domestic sources.

SEC. 5802. REPORT ON THE EFFECT OF THE DEFENSE MANUFACTURING COMMUNITIES SUPPORT PROGRAM ON THE DEFENSE SUPPLY CHAIN.

Not later than September 30, 2021, the Secretary of Defense shall submit to Congress a report evaluating the effect of the Defense Manufacturing Communities Support Program on the defense supply chain. The evaluation should consider the program's effect on—

(1) the diversification of the supply chain;

(2) procurement costs; and

(3) efficient procurement processes.

SEC. 5803. IMPROVING IMPLEMENTATION OF POLICY PERTAINING TO THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.

Section 803(d)(2) is deemed amended as follows:

(1) Subparagraph (A) of such section is deemed to read as follows:

''(A) analysis of the national security impacts, cost, and benefits to the United States and allies of the inclusion of such additional member nation in the national technology and industrial base, including criticality to program and mission accomplishment;''.

(2) In the stem of subparagraph (B) of such section, ''costs,'' is deemed to be read ''impacts, costs,''.

(3) In clause (ii) of subparagraph (B) of such section ''base;'' is deemed to read ''base, including costs to reconstitute capability should such capability be lost to competition;''.

SEC. 5808. ADDITIONAL REQUIREMENTS PERTAINING TO PRINTED CIRCUIT BOARDS.

Section 808 is deemed to include at the end the following:

''(h) SENSE OF CONGRESS ON MITIGATING RISKS OF RELIANCE ON CERTAIN SOURCES OF SUPPLY AND MANUFACTURING FOR PRINTED CIRCUIT BOARDS.—It is the sense of Congress that—

''(1) the Department of Defense must take steps to reduce and mitigate risks of reliance on certain sources of supply and manufacturing for printed circuit boards; and

''(2) the provisions of this section are intended to augment, rather than reduce or supersede, current efforts to reduce and mitigate such risks.''.

SEC. 5812. MISCELLANEOUS LIMITATIONS ON THE PROCUREMENT OF GOODS OTHER THAN UNITED STATES GOODS.

Notwithstanding the amendments made by section 812—

(1) the subparagraph (A) proposed to be included in subsection (a)(2) of section 2534 of title 10, United States Code, shall not be included;

(2) subsection (b) of such section is deemed to read as follows:

''(b) MANUFACTURER IN THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.—A manufacturer meets the requirements of this subsection if the manufacturer is part of the national technology and industrial base.''; and

(3) the amendment to subsection (h) of such section is deemed to insert the following: ''subsection (a)(2)''.

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

SEC. 5841. WAIVERS OF CERTAIN CONDITIONS FOR PROGRESS PAYMENTS UNDER CERTAIN CONTRACTS DURING THE COVID–19 NATIONAL EMERGENCY.

During the national emergency declared under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to the coronavirus disease 2019 (commonly referred to as ''COVID–19''), the Secretary of Defense may waive section 2307(e)(2) of title 10, United States Code, with respect to progress payments for any undefinitized contract.

Subtitle E—Small Business Matters

SEC. 5871. OFFICE OF SMALL BUSINESS AND DISADVANTAGED BUSINESS UTILIZATION.

Section 15(k) of the Small Business Act (15 U.S.C. 644(k)) is amended, in the matter preceding paragraph (1)—

(1) by inserting after the first sentence the following: ''If the Government Accountability Office has determined that a Federal agency is not in compliance with all of the requirements under this subsection, the Federal agency shall, not later than 120 days after that determination or 120 days after the date of enactment of this sentence, whichever is later, submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report that includes the reasons why the Federal agency is not in compliance and the specific actions that the Federal agency will take to comply with the requirements under this subsection.''; and

(2) by striking ''The management of each such office'' and inserting ''The management of each Office of Small Business and Disadvantaged Business Utilization''.

SEC. 5872. ELIGIBILITY OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS FOR CERTAIN SMALL BUSINESS ADMINISTRATION PROGRAMS.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) in section 21(a) (15 U.S.C. 648(a))—

(A) in paragraph (1), by inserting before ''The Administration shall require'' the following new sentence: ''The previous sentence shall not apply to an applicant that has its principal office located in the Commonwealth of the Northern Mariana Islands.''; and

(B) in paragraph (4)(C)(ix), by striking ''and American Samoa'' and inserting ''American Samoa, and the Commonwealth of the Northern Mariana Islands''; and

(2) in section 34(a)(9) (15 U.S.C. 657d(a)(9)), by striking ''and American Samoa'' and inserting ''American Samoa, and the Commonwealth of the Northern Mariana Islands''.

SEC. 5873. DISASTER DECLARATION IN RURAL AREAS.

(a) IN GENERAL.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting after paragraph (15) the following:

''(16) DISASTER DECLARATION IN RURAL AREAS.—

''(A) DEFINITIONS.—In this paragraph—

''(i) the term 'rural area' means an area with a population of less than 200,000 outside an urbanized area; and

''(ii) the term 'significant damage' means, with respect to property, uninsured losses of not less than 40 percent of the estimated fair replacement value or pre-disaster fair market value of the damaged property, whichever is lower.

''(B) DISASTER DECLARATION.—Notwithstanding section 123.3(a) of title 13, Code of Federal Regulations, or any successor regulation, the Administrator may declare a disaster in a rural area for which a major disaster was declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) if—

''(i) the Governor of the State in which the rural area is located requests such a declaration; and

''(ii) any home, small business concern, private nonprofit organization, or small agricultural cooperative has incurred significant damage in the rural area.

''(C) SBA REPORT.—Not later than 120 days after the date of enactment of this Act, and every year thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on, with respect to the 1-year period preceding submission of the report—

''(i) any economic injury that resulted from a major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) in a rural area;

''(ii) each request for assistance made by the Governor of a State under subparagraph (B)(i) and the response of the Administrator, including the timeline for each response; and

''(iii) any regulatory changes that will impact the ability of communities in rural areas to obtain disaster assistance under this subsection.''.

(b) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall issue regulations to carry out the amendment made by subsection (a).

(c) GAO REPORT.—

(1) DEFINITION OF RURAL AREA.—In this subsection, the term ''rural area'' means an area with a population of less than 200,000 outside an urbanized area.

(2) REPORT.—Not later than 120 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on—

(A) any unique challenges that communities in rural areas face compared to communities in metropolitan areas when seeking to obtain disaster assistance under section 7(b) of the Small Business Act (15 U.S.C. 636(b)); and

(B) legislative recommendations for improving access to disaster assistance for communities in rural areas.

SEC. 5874. TEMPORARY EXTENSION FOR 8(A) PARTICIPANTS.

The Administrator of the Small Business Administration shall allow a small business concern (as defined in section 3 of the Small Business Act (15 U.S.C. 632)) participating in the program established under section 8(a) of

the Small Business Act (15 U.S.C. 637(a)) on the date of enactment of this section to extend such participation by a period of 1 year.

SEC. 5875. MAXIMUM AWARD PRICE FOR SOLE SOURCE MANUFACTURING CONTRACTS.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) in section 8 (15 U.S.C. 637)—

(A) in subsection (a)(1)(D)(i)(II), by striking ''$5,000,000'' and inserting ''$7,000,000''; and

(B) in subsection (m)—

(i) in paragraph (7)(B)(i), by striking ''$6,500,000'' and inserting ''$7,000,000''; and

(ii) in paragraph (8)(B)(i), by striking ''$6,500,000'' and inserting ''$7,000,000'';

(2) in section 31(c)(2)(A)(ii)(I) (15 U.S.C. 657a(c)(2)(A)(ii)(I)), by striking ''$5,000,000'' and inserting ''$7,000,000''; and

(3) in section 36(a)(2)(A) (15 U.S.C. 657f(a)(2)(A)), by striking ''$5,000,000'' and inserting ''$7,000,000''.

SEC. 5876. ANNUAL REPORTS REGARDING THE SBIR PROGRAM OF THE DEPARTMENT OF DEFENSE.

(a) DEFINITIONS.—In this section—

(1) the term ''SBIR'' has the meaning given the term in section 9(e)(4) of the Small Business Act (15 U.S.C. 638(e)(4)); and

(2) the term ''Secretary'' means the Secretary of Defense.

(b) REPORTS REQUIRED.—Not later than 90 days after the date of enactment of this Act, and not later than 120 days after the end of each fiscal year that begins after that date of enactment, the Secretary, after consultation with the Secretary of each branch of the Armed Forces, shall submit, through the Under Secretary of Defense for Research and Engineering, to Congress a report that addresses—

(1) the ways in which the Secretary, as of the date on which the report is submitted, is using incentives to Department of Defense program managers under section 9(y)(6)(B) of the Small Business Act (15 U.S.C. 638(y)(6)(B)) to increase the number of Phase II SBIR contracts awarded by the Secretary that lead to technology transition into programs of record or fielded systems, which shall include the judgment of the Secretary regarding the potential effect of providing monetary incentives to those officers for that purpose;

(2) the extent to which the Department of Defense has developed simplified and standardized procedures and model contracts throughout the agency for Phase I, Phase II, and Phase III SBIR awards, as required under section 9(hh)(2)(A)(i) of the Small Business Act (15 U.S.C. 638(hh)(2)(A)(i));

(3) with respect to each report submitted under this section after the submission of the first such report, the extent to which any incentives described in this section and implemented by the Secretary have resulted in an increased number of Phase II contracts under the SBIR program of the Department of Defense leading to technology transition into programs of record or fielded systems;

(4) the extent to which Phase I, Phase II, and Phase III projects under the SBIR program of the Department of Defense align with the modernization priorities of the Department, including with respect to artificial intelligence, biotechnology, autonomy, cybersecurity, directed energy, fully networked command, control, and communication systems, microelectronics, quantum science, hypersonics, and space; and

(5) any other action taken, and proposed to be taken, to increase the number of Department of Defense Phase II SBIR contracts leading to technology transition into programs of record or fielded systems.

SEC. 5877. SMALL BUSINESS LOANS FOR NONPROFIT CHILD CARE PROVIDERS.

Section 3(a) of the Small Business Act (15 U.S.C. 632(a)) is amended by adding at the end the following:

''(10) NONPROFIT CHILD CARE PROVIDERS.—

''(A) DEFINITION.—In this paragraph, the term 'covered nonprofit child care provider' means an organization—

''(i) that—

''(I) is in compliance with licensing requirements for child care providers of the State in which the organization is located;

''(II) is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; and

''(III) is primarily engaged in providing child care for children from birth to compulsory school age;

''(ii) for which each employee and regular volunteer complies with the criminal background check requirements under section 658H(b) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858f(b)); and

''(iii) that may—

''(I) provide care for school-age children outside of school hours or outside of the school year; or

''(II) offer preschool or prekindergarten educational programs.

''(B) ELIGIBILITY FOR LOAN PROGRAMS.—Notwithstanding any other provision of this subsection, a covered nonprofit child care provider shall be deemed to be a small business concern for purposes of any program under this Act or the Small Business Investment Act of 1958 (15 U.S.C. 661 et seq.) under which—

''(i) the Administrator may make loans to small business concerns;

''(ii) the Administrator may guarantee timely payment of loans to small business concerns; or

''(iii) the recipient of a loan made or guaranteed by the Administrator may make loans to small business concerns.''.

Subtitle G—Other Matters

SEC. 5891. LISTING OF OTHER TRANSACTION AUTHORITY CONSORTIA.

Beginning not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall maintain on the government-wide point of entry for contracting opportunities, Beta.SAM.gov (or any successor system), a list of the consortia used by the Department of Defense to announce or otherwise make available contracting opportunities using other transaction authority (OTA).

SEC. 5892. REPORT RECOMMENDING DISPOSITION OF NOTES TO CERTAIN SECTIONS OF TITLE 10, UNITED STATES CODE.

(a) IN GENERAL.—Not later than March 31, 2021, the Secretary of Defense shall submit to the congressional defense committees a report recommending the disposition of provisions of law found in the notes to the following sections of title 10, United States Code:

(1) Section 2313.

(2) Section 2364.

(3) Section 2432.

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

(1) for each provision of law included as a note to a section listed in such subsection, a recommendation whether such provision—

(A) should be repealed because the provision is no longer operative or is otherwise obsolete;

(B) should be codified as a section to title 10, United States Code, because the section has, and is anticipated to continue to have in the future, significant relevance; or

(C) should remain as a note to such section; and

(2) any legislative proposals appropriate to improve the intent and effect of the sections listed in such subsection.

(c) TECHNICAL CORRECTIONS.—(1) Section 2362(a) of title 10, United States Code, is amended 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) Section 804(c) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 10 U.S.C. 2302 note) is amended by striking ''The Assistant Secretary of Defense for Command, Control, Communications, and Intelligence, in consultation with the Under Secretary of Defense for Acquisition, Technology, and Logistics,'' and inserting ''The Under Secretary of Defense for Acquisition and Sustainment''.

SEC. 5893. APPLICABILITY OF REPORTING REQUIREMENT RELATED TO NOTIONAL MILESTONES AND STANDARD TIMELINES FOR FOREIGN MILITARY SALES.

Section 887 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115 –91; 22 U.S.C. 2761 note) is amended—

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

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

''(c) APPLICABILITY.—The reporting requirements under this section apply only to foreign military sales processes within the Department of Defense.''.

SEC. 5894. ADDITIONAL REQUIREMENTS RELATED TO MITIGATING RISKS RELATED TO FOREIGN OWNERSHIP, CONTROL, OR INFLUENCE OF DEPARTMENT OF DEFENSE CONTRACTORS AND SUBCONTRACTORS.

(a) COMPLIANCE ASSESSMENT.—Subparagraph (A) of paragraph (2) of section 847(b) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended by adding at the end the following new clause:

''(v) A requirement for the Secretary to require reports and conduct examinations on a periodic basis of covered contractors and subcontractors in order to assess compliance with the requirements of this section.''.

(b) ADDITIONAL REQUIREMENTS FOR RESPONSIBILITY DETERMINATIONS.—Subparagraph (B) of such paragraph is amended—

(1) in clause (ii), by striking ''; and'' and inserting a semicolon;

(2) by redesignating clause (iii) as clause (iv); and

(3) by inserting after clause (ii) the following new clause:

''(iii) procedures for appropriately responding to changes in contractor or subcontractor beneficial ownership status based on changes in disclosures of their beneficial ownership relating to whether they are under FOCI and based on the reports and examinations required by subparagraph (A)(v); and''.

(c) TIMELINES AND MILESTONES FOR IMPLEMENTATION.—

(1) IMPLEMENTATION PLAN.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the congressional defense committees a plan and schedule for implementation of the requirements of section 847 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), including—

(A) a timeline for issuance of regulations, development of training for appropriate officials, and development of systems for reporting of beneficial ownership and FOCI by contractors and subcontractors;

(B) designation of officials and organizations responsible for execution; and

(C) interim milestones to be met in implementing the plan.

(2) REVISION OF REGULATIONS, DIRECTIVES, GUIDANCE, TRAINING, AND POLICIES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall revise relevant directives, guidance, training, and policies, including revising the Defense Federal Acquisition Regulation Supplement as needed, to fully implement section 847 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), as amended by this section.

TITLE LIX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle D—Organization and Management of Other Department of Defense Offices and Elements

SEC. 5951. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON VULNERABILITIES OF THE DEPARTMENT OF DEFENSE RESULTING FROM OFFSHORE TECHNICAL SUPPORT CALL CENTERS.

(a) REPORT REQUIRED.—Not later than 180 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 vulnerabilities in connection with the provision of services by offshore technical support call centers to the Department of Defense.

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

(1) A description and assessment of the location of all offshore technical support call centers.

(2) A description and assessment of the types of information shared by the Department with foreign nationals at offshore technical support call centers.

(3) An assessment of the extent to which access to such information by foreign nationals creates vulnerabilities to the information technology network of the Department.

(c) OFFSHORE TECHNICAL SUPPORT CALL CENTER DEFINED.—In this section, the term ''offshore technical support call center'' means a call center that—

(1) is physically located outside the United States;

(2) employs individuals who are foreign nationals; and

(3) may be contacted by personnel of the Department to provide technical support relating to technology used by the Department.

TITLE LX—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 6001. UNDER SECRETARY OF DEFENSE (COMPTROLLER) REPORTS ON IMPROVING THE BUDGET JUSTIFICATION AND RELATED MATERIALS OF THE DEPARTMENT OF DEFENSE.

(a) REPORTS REQUIRED.—Not later than April 1 of each of 2021 through 2025, the Under Secretary of Defense (Comptroller) shall submit to the congressional defense committees a report on improving the following:

(1) Modernization of covered materials, including the following:

(A) Updating the format of such materials in order to account for significant improvements in document management and data visualization.

(B) Expanding the scope and quality of data included in such materials.

(2) Streamlining of the production of covered materials within the Department of Defense.

(3) Transmission of covered materials to Congress.

(4) Availability of adequate resources and capabilities to permit the Department to integrate changes to covered materials together with its submittal of current covered materials.

(5) Promotion of the flow between the Department and the congressional defense committees of other information required by Congress for its oversight of budgeting for the Department and the future-years defense programs.

(b) COVERED MATERIALS DEFINED.—In this section, the term ''covered materials'' means the following:

(1) Materials submitted in support of the budget of the President for a fiscal year under section 1105(a) of title 31, United States Code.

(2) Materials submitted in connection with the future-years defense program for a fiscal year under section 221 of title 10, United States Code.

SEC. 6002. REPORT ON FISCAL YEAR 2022 BUDGET REQUEST REQUIREMENTS IN CONNECTION WITH AIR FORCE OPERATIONS IN THE ARCTIC.

The Secretary of the Air Force shall submit to the congressional defense committees, not later than 30 days after submission of the budget justification documents submitted to Congress in support of the budget of the President for fiscal year 2022 (as submitted pursuant to section 1105 of title 31, United States Code), a report that includes the following:

(1) A description of the manner in which amounts requested for the Air Force in the budget for fiscal year 2022 support Air Force operations in the Arctic.

(2) A list of the procurement initiatives and research, development, test, and evaluation initiatives funded by that budget that are primarily intended to enhance the ability of the Air Force to deploy to or operate in the Arctic region, or to defend the northern approach to the United States homeland.

(3) An assessment of the adequacy of the infrastructure of Air Force installations in Alaska and in the States along the northern border of the continental United States to support deployments to and operations in the Arctic region, including an assessment of runways, fuel lines, and aircraft maintenance capacity for purposes of such support.

Subtitle E—Miscellaneous Authorities and Limitations

SEC. 6046. CONDITIONS FOR PERMANENTLY BASING UNITED STATES EQUIPMENT OR ADDITIONAL MILITARY UNITS IN HOST COUNTRIES WITH AT-RISK VENDORS IN 5G OR 6G NETWORKS.

(a) INEFFECTIVENESS OF SECTION 1046.—Section 1046 shall have no force or effect.

(b) IN GENERAL.—Prior to a decision for basing a major weapon system or an additional military unit comparable to or larger than a battalion, squadron, or naval combatant for permanent basing to a host nation with at-risk 5th generation (5G) or sixth generation (6G) wireless network equipment, software, and services, including the use of telecommunications equipment, software, and services provided by vendors such as Huawei and ZTE, where United States military personnel and their families will be directly connected or subscribers to networks that include such at-risk equipment, software, and services in their official duties or in the conduct of personal affairs, the Secretary of Defense shall provide a certification to Congress that includes—

(1) an acknowledgment by the host nation of the risk posed by the network architecture;

(2) a description of steps being taken by the host nation to mitigate any potential risks to the weapon systems, military units, or personnel, and the Department of Defense's assessment of those efforts;

(3) a description of steps being taken by the United States Government to mitigate any potential risks to the weapon systems, military units, or personnel; and

(4) a description of any defense mutual agreements between the host nation and the United States intended to allay the costs of risk mitigation posed by the at-risk infrastructure.

(c) APPLICABILITY.—The conditions in subsection (b) apply to the permanent long-term stationing of equipment and personnel, and do not apply to short-term deployments or rotational presence to military installations outside the United States in connection with exercises, dynamic force employment, contingency operations, or combat operations.

(d) 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 that contains an assessment of—

(1) the risk to personnel, equipment, and operations of the Department of Defense in host countries posed by the current or intended use by such countries of 5G or 6G telecommunications architecture provided by at-risk vendors; and

(2) measures required to mitigate the risk described in paragraph (1), including the merit and feasibility of the relocation of certain personnel or equipment of the Department to another location without the presence of 5G or 6G telecommunications architecture provided by at-risk vendors.

(e) FORM.—The report required by subsection (c) shall be submitted in a classified form with an unclassified summary.

Subtitle F—Studies and Reports

SEC. 6061. MARITIME SECURITY AND DOMAIN AWARENESS.

(a) PROGRESS REPORT ON MARITIME SECURITY.—

(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, the Secretary of the Department in which the Coast Guard is operating, and the heads of other appropriate Federal agencies, shall submit to the congressional defense committees a report on the steps taken since December 20, 2019, to make further use of the following mechanisms to combat IUU fishing:

(A) Inclusion of counter-IUU fishing in existing shiprider agreements to which the United States is a party.

(B) Entry 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 agreements.

(C) Inclusion of counter-IUU fishing in the mission of the Combined Maritime Forces.

(D) Inclusion of counter-IUU fishing exercises in the annual at-sea exercises conducted by the Department of Defense, in coordination with the United States Coast Guard.

(E) Development of partnerships similar to the Oceania Maritime Security Initiative and the Africa Maritime Law Enforcement Partnership in other priority regions.

(2) ELEMENT.—The report required by paragraph (1) shall include a description of specific steps taken by the Secretary of the Navy with respect to each mechanism described in paragraph (1), including a detailed description of any security cooperation engagement undertaken to combat IUU fishing by such mechanisms and resulting coordination between the Department of the Navy and the Coast Guard.

(b) ASSESSMENT OF SERVICE COORDINATION ON MARITIME DOMAIN AWARENESS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Navy shall enter into an agreement with the Secretary of the department in which the Coast Guard is operating,

in consultation with the Secretary of Commerce, to assess the available commercial solutions for collecting, sharing, and disseminating among United States maritime services and partner countries maritime domain awareness information relating to illegal maritime activities, including IUU fishing.

(2) ELEMENTS.—The assessment carried out pursuant to an agreement under paragraph (1) shall—

(A) build on the ongoing Coast Guard assessment related to autonomous vehicles;

(B) consider appropriate commercially and academically available technological solutions; and

(C) consider any limitation related to affordability, exportability, maintenance, and sustainment requirements and any other factor that may constrain the suitability of such solutions for use in a joint and combined environment, including the potential provision of such solutions to one or more partner countries.

(3) SUBMITTAL TO CONGRESS.—Not later than one year after entering into an agreement under paragraph (1), the Secretary of the Navy shall submit to the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, and the Committee on Appropriations of the Senate and the Committee on Armed Services, the Committee on Natural Resources, the Committee on Transportation and Infrastructure, and the Committee on Appropriations of the House of Representatives the assessment prepared in accordance with the agreement.

(c) REPORT ON USE OF FISHING FLEETS BY FOREIGN GOVERNMENTS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Naval Intelligence shall submit to the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, and the Committee on Appropriations of the Senate and the Committee on Armed Services, the Committee on Natural Resources, the Committee on Transportation and Infrastructure, and the Committee on Appropriations of the House of Representatives a report on the use by governments of foreign countries of distant-water fishing fleets as extensions of the official maritime security forces of such countries.

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

(A) An analysis of the manner in which fishing fleets are leveraged in support of the naval operations and policies of foreign countries more generally.

(B) A consideration of—

(i) threats posed, on a country-by-country basis, to the fishing vessels and other vessels of the United States and partner countries;

(ii) risks to Navy and Coast Guard operations of the United States, and the naval and coast guard operations of partner countries; and

(iii) the broader challenge to the interests of the United States and partner countries.

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

(d) DEFINITIONS.—In this section, any term that is also used in the Maritime SAFE Act (Public Law 116–92) shall have the meaning given such term in that Act.

SEC. 6062. REPORT ON PANDEMIC PREPAREDNESS AND PLANNING OF THE NAVY.

Not later than 120 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report containing a description of the plans of the Navy to prepare for and respond to future pandemics, including future outbreaks of the Coronavirus Disease 2019 (COVID–19). The report shall include a written description of plans, including any necessary corresponding budgetary actions, for the following:

(1) Efforts to prevent and mitigate the impacts of future pandemics at both private and public shipyards, and to protect the health and safety of both military personnel and civilian workers at such shipyards.

(2) Protocol and mitigation strategies once an outbreak of a highly contagious illness occurs aboard a Navy vessel while underway.

(3) Development and adoption of technologies and protocols to prevent and mitigate the spread of future pandemics aboard Navy ships and among Navy personnel, including technologies and protocols in connection with the following:

(A) Artificial intelligence and data-driven infectious disease modeling and interventions.

(B) Shipboard airflow management and disinfectant technologies.

(C) Personal protective equipment, sensors, and diagnostic systems.

(D) Minimally crewed and autonomous supply vehicles.

Subtitle G—Other Matters

SEC. 6081. MODIFICATION TO FIRST DIVISION MONUMENT.

(a) AUTHORIZATION.—The Society of the First Infantry Division may make modifications to the First Division Monument located on Federal land in President's Park in the District of Columbia to honor the dead of the First Infantry Division, United States Forces, in—

(1) Operation Desert Storm;

(2) Operation Iraqi Freedom and New Dawn; and

(3) Operation Enduring Freedom.

(b) MODIFICATIONS.—Modifications to the First Division Monument may include construction of additional plaques and stone plinths on which to put plaques.

(c) APPLICABILITY OF COMMEMORATIVE WORKS ACT.—Chapter 89 of title 40, United States Code (commonly known as the ''Commemorative Works Act''), shall apply to the design and placement of the commemorative elements authorized by this section, except that subsections (b) and (c) of section 8903 shall not apply.

(d) COLLABORATION.—The First Infantry Division of the Department of the Army shall collaborate with the Secretary of Defense to provide to the Society of the First Infantry Division the list of names to be added to the First Division Monument in accordance with subsection (a).

(e) FUNDING.—Federal funds may not be used for modifications of the First Division Monument authorized by this section.

SEC. 6082. ESTIMATE OF DAMAGES FROM FEDERAL COMMUNICATIONS COMMISSION ORDER 20–48.

Section 1083 is deemed to include at the end the following:

''(d) DISTRIBUTION OF ESTIMATE.—As soon as practicable after submitting an estimate as described in paragraph (1) of subsection (a) and making the certification described in paragraph (2) of such subsection, the Secretary shall make such estimate available to any licensee operating under the order and authorization described in such subsection.

''(e) AUTHORITY OF SECRETARY OF DEFENSE TO SEEK RECOVERY OF COSTS.—The Secretary of Defense may work directly with any licensee (or any future assignee, successor, or purchaser) affected by the Order and Authorization adopted by the Federal Communications Commission on April 19, 2020 (FCC 20–48) to seek recovery of costs incurred by the Department of Defense as a result of the effect of such order and authorization.

''(f) REIMBURSEMENT.—

''(1) IN GENERAL.—The Secretary shall establish and facilitate a process for any licensee (or any future assignee, successor, or purchaser) subject to the authorization and order described in subsection (a) to provide reimbursement to the Department of Defense, only to the extent provided in appropriations Acts, for the covered costs and eligible reimbursable costs submitted and certified to the congressional defense committees under such subsection.

''(2) USE OF FUNDS.—The Secretary shall use any funds received under this subsection, to the extent and in such amounts as are provided in advance in appropriations Acts, for covered costs described in subsection (b) and the range of eligible reimbursable costs identified under subsection (a)(1).

''(3) REPORT.—Not later than 90 days after the date on which the Secretary establishes the process required by paragraph (1), the Secretary shall submit to the congressional defense committees a report on such process.

''(g) GOOD FAITH.—The execution of the responsibilities of this section by the Department of Defense shall be considered to be good faith actions pursuant to paragraph 104 of the Order and Authorization (FCC 20–48) described in subsection (a).''.

SEC. 6083. DIESEL EMISSIONS REDUCTION.

(a) REAUTHORIZATION OF DIESEL EMISSIONS REDUCTION PROGRAM.—Section 797(a) of the Energy Policy Act of 2005 (42 U.S.C. 16137(a)) is amended by striking ''2016'' and inserting ''2024''.

(b) RECOGNIZING DIFFERENCES IN DIESEL VEHICLE, ENGINE, EQUIPMENT, AND FLEET USE.—

(1) NATIONAL GRANT, REBATE, AND LOAN PROGRAMS.—Section 792(c)(4)(D) of the Energy Policy Act of 2005 (42 U.S.C. 16132(c)(4)(D)) is amended by inserting '', recognizing differences in typical vehicle, engine, equipment, and fleet use throughout the United States'' before the semicolon.

(2) STATE GRANT, REBATE, AND LOAN PROGRAMS.—Section 793(b)(1) of the Energy Policy Act of 2005 (42 U.S.C. 16133(b)(1)) is amended—

(A) in subparagraph (B), by striking ''; and'' and inserting a semicolon; and

(B) by adding at the end the following:

''(D) the recognition, for purposes of implementing this section, of differences in typical vehicle, engine, equipment, and fleet use throughout the United States, including expected useful life; and''.

(c) REALLOCATION OF UNUSED STATE FUNDS.—Section 793(c)(2)(C) of the Energy Policy Act of 2005 (42 U.S.C. 16133(c)(2)(C)) is amended beginning in the matter preceding clause (i) by striking ''to each remaining'' and all that follows through ''this paragraph'' in clause (ii) and inserting ''to carry out section 792''.

SEC. 6084. 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 ''percursors'' 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'';

(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 subparagraph:

''(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 nonexclusive, 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 Energy, shall carry out a research and development program for carbon dioxide utilization to promote existing and new technologies 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 ASSISTANCE.—Not later than 2 years after the date of enactment of the USE IT Act, in carrying out this subsection, the Administrator, in consultation with the Secretary of Energy, shall support research and infrastructure activities relating to carbon dioxide utilization by providing technical assistance and financial assistance in accordance 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 education 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 subsurface 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 NONREGULATORY 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

''(II) 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 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 1969 (42 U.S.C. 4321 et seq.) for carbon capture, utilization, and sequestration projects and carbon dioxide pipelines.

(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;

(cc) 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. 6085. LEGAL ASSISTANCE FOR VETERANS AND SURVIVING SPOUSES AND DEPENDENTS.

(a) AVAILABILITY OF LEGAL ASSISTANCE AT FACILITIES OF DEPARTMENT OF VETERANS AFFAIRS.—

(1) IN GENERAL.—Chapter 59 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 5906. Availability of legal assistance at Department facilities

''(a) IN GENERAL.—Not less frequently than three times each year, the Secretary shall facilitate the provision by a qualified legal assistance clinic of pro bono legal assistance described in subsection (c) to eligible individuals at not fewer than one medical center of the Department of Veterans Affairs, or such other facility of the Department as the Secretary considers appropriate, in each State.

''(b) ELIGIBLE INDIVIDUALS.—For purposes of this section, an eligible individual is—

''(1) any veteran;

''(2) any surviving spouse; or

''(3) any child of a veteran who has died.

''(c) PRO BONO LEGAL ASSISTANCE DESCRIBED.—The pro bono legal assistance described in this subsection is the following:

''(1) Legal assistance with any program administered by the Secretary.

''(2) Legal assistance associated with—

''(A) improving the status of a military discharge or characterization of service in the Armed Forces, including through a discharge review board; or

''(B) seeking a review of a military record before a board of correction for military or naval records.

''(3) Such other legal assistance as the Secretary—

''(A) considers appropriate; and

''(B) determines may be needed by eligible individuals.

''(d) LIMITATION ON USE OF FACILITIES.—Space in a medical center or facility designated under subsection (a) shall be reserved for and may only be used by the following, subject to review and removal from participation by the Secretary:

''(1) A veterans service organization or other nonprofit organization.

''(2) A legal assistance clinic associated with an accredited law school.

''(3) A legal services organization.

''(4) A bar association.

''(5) Such other attorneys and entities as the Secretary considers appropriate.

''(e) LEGAL ASSISTANCE IN RURAL AREAS.—In carrying out this section, the Secretary shall ensure that pro bono legal assistance is provided under subsection (a) in rural areas.

''(f) DEFINITION OF VETERANS SERVICE ORGANIZATION.—The term 'veterans service organization' means any organization recognized by the Secretary for the representation of veterans under section 5902 of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 59 of such title is amended by adding at the end the following new item:

''5906. Availability of legal assistance at Department facilities.''.

(b) PILOT PROGRAM TO ESTABLISH AND SUPPORT LEGAL ASSISTANCE CLINICS.—

(1) PILOT PROGRAM REQUIRED.—

(A) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall establish a pilot program to assess the feasibility and advisability of awarding grants to eligible entities to establish new legal assistance clinics, or enhance existing legal assistance clinics or other pro bono efforts, for the provision of pro bono legal assistance described in subsection (c) of section 5906 of title 38, United States Code, as added by subsection (a), on a year-round basis to individuals who served in the Armed Forces, including individuals who served in a reserve component of the Armed Forces, and who were discharged or released therefrom, regardless of the conditions of such discharge or release, at locations other than medical centers and facilities described in subsection (a) of such section.

(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed to limit or affect—

(i) the provision of pro bono legal assistance to eligible individuals at medical centers and facilities of the Department of Veterans Affairs under section 5906(a) of title 38, United States Code, as added by subsection (a); or

(ii) any other legal assistance provided pro bono at medical centers or facilities of the Department as of the date of the enactment of this Act.

(2) ELIGIBLE ENTITIES.—For purposes of the pilot program, an eligible entity is—

(A) a veterans service organization or other nonprofit organization specifically focused on assisting veterans;

(B) an entity specifically focused on assisting veterans and associated with an accredited law school;

(C) a legal services organization or bar association; or

(D) such other type of entity as the Secretary considers appropriate for purposes of the pilot program.

(3) LOCATIONS.—The Secretary shall ensure that at least one grant is awarded under

paragraph (1)(A) to at least one eligible entity in each State, if the Secretary determines that there is such an entity in a State that has applied for, and meets requirements for the award of, such a grant.

(4) DURATION.—The Secretary shall carry out the pilot program during the five-year period beginning on the date on which the Secretary establishes the pilot program.

(5) APPLICATION.—An eligible entity seeking a grant under the pilot program shall submit to the Secretary an application therefor at such time, in such manner, and containing such information as the Secretary may require.

(6) SELECTION.—The Secretary shall select eligible entities who submit applications under paragraph (5) for the award of grants under the pilot program using a competitive process that takes into account the following:

(A) Capacity of the applicant entity to serve veterans and ability of the entity to provide sound legal advice.

(B) Demonstrated need of the veteran population the applicant entity would serve.

(C) Demonstrated need of the applicant entity for assistance from the grants.

(D) Geographic diversity of applicant entities.

(E) Such other criteria as the Secretary considers appropriate.

(7) GRANTEE REPORTS.—Each recipient of a grant under the pilot program shall, in accordance with such criteria as the Secretary may establish, submit to the Secretary a report on the activities of the recipient and how the grant amounts were used.

(c) REVIEW OF PRO BONO ELIGIBILITY OF FEDERAL WORKERS.—

(1) IN GENERAL.—The Secretary shall, in consultation with the Attorney General and the Director of the Office of Government Ethics, conduct a review of the rules and regulations governing the circumstances under which attorneys employed by the Federal Government can provide pro bono legal assistance.

(2) RECOMMENDATIONS.—In conducting the review required by paragraph (1), the Secretary shall develop recommendations for such legislative or administrative action as the Secretary considers appropriate to facilitate greater participation by Federal employees in pro bono legal and other volunteer services for veterans.

(3) SUBMITTAL TO CONGRESS.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress—

(A) the findings of the Secretary with respect to the review conducted under paragraph (1); and

(B) the recommendations developed by the Secretary under paragraph (2).

(d) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report on the status of the implementation of this section.

(e) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Veterans' Affairs and the Committee on Appropriations of the Senate; and

(B) the Committee on Veterans' Affairs and the Committee on Appropriations of the House of Representatives.

(2) VETERANS SERVICE ORGANIZATION.—The term ''veterans service organization'' means any organization recognized by the Secretary for the representation of veterans under section 5902 of title 38, United States Code.

SEC. 6086. SILVER STAR SERVICE BANNER DAY.

(a) FINDINGS.—Congress finds the following:

(1) Congress is committed to honoring the sacrifices 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''.

(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. 6087. ESTABLISHED PROGRAM TO STIMULATE COMPETITIVE RESEARCH.

Section 2203(b) of the Energy Policy Act of 1992 (42 U.S.C. 13503(b)) is amended by striking paragraph (3) and inserting the following:

''(3) ESTABLISHED PROGRAM TO STIMULATE COMPETITIVE RESEARCH.—

''(A) DEFINITIONS.—In this paragraph:

''(i) ELIGIBLE JURISDICTION.—The term 'eligible jurisdiction' means a State that is determined to be eligible for a grant under this paragraph in accordance with subparagraph (D).

''(ii) EPSCoR.—The term 'EPSCoR' means the Established Program to Stimulate Competitive Research operated under subparagraph (B).

''(iii) 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).

''(iv) STATE.—The term 'State' means—

''(I) a State;

''(II) the District of Columbia;

''(III) the Commonwealth of Puerto Rico;

''(IV) Guam; and

''(V) the United States Virgin Islands.

''(B) PROGRAM OPERATION.—The Secretary shall operate an Established Program to Stimulate Competitive Research.

''(C) OBJECTIVES.—The objectives of EPSCoR shall be—

''(i) to increase the number of researchers in eligible jurisdictions, especially at institutions of higher education, capable of performing nationally competitive science and engineering research in support of the mission of the Department of Energy in the areas of applied energy research, environmental management, and basic science;

''(ii) to improve science and engineering research and education programs at institutions of higher education in eligible jurisdictions and enhance the capabilities of eligible jurisdictions to develop, plan, and execute research that is competitive, including through investing in research equipment and instrumentation; and

''(iii) to increase the probability of long-term growth of competitive funding to eligible jurisdictions.

''(D) ELIGIBLE JURISDICTIONS.—

''(i) IN GENERAL.—The Secretary may establish criteria for determining whether a State is eligible for a grant under this paragraph.

''(ii) REQUIREMENT.—Except as provided in clause (iii), in establishing criteria under clause (i), the Secretary shall ensure that a State is eligible for a grant under this paragraph if the State, as determined by the Secretary, is a State that—

''(I) historically has received relatively little Federal research and development funding; and

''(II) has demonstrated a commitment—

''(aa) to develop the research bases in the State; and

''(bb) to improve science and engineering research and education programs at institutions of higher education in the State.

''(iii) ELIGIBILITY UNDER NSF EPSCOR.—At the election of the Secretary, or if the Secretary determines not to establish criteria under clause (i), a State is eligible for a grant under this paragraph if the State is eligible to receive funding under the Established Program to Stimulate Competitive Research of the National Science Foundation.

''(E) GRANTS IN AREAS OF APPLIED ENERGY RESEARCH, ENVIRONMENTAL MANAGEMENT, AND BASIC SCIENCE.—

''(i) IN GENERAL.—EPSCoR shall make grants to eligible jurisdictions to carry out and support applied energy research and research in all areas of environmental management and basic science sponsored by the Department of Energy, including—

''(I) energy efficiency, fossil energy, renewable energy, and other applied energy research;

''(II) electricity delivery research;

''(III) cybersecurity, energy security, and emergency response;

''(IV) environmental management; and

''(V) basic science research.

''(ii) ACTIVITIES.—EPSCoR shall make grants under this subparagraph for activities consistent with the objectives described in subparagraph (C) in the areas of applied energy research, environmental management, and basic science described in clause (i), including—

''(I) to support research that is carried out in partnership with the National Laboratories;

''(II) to provide for graduate traineeships;

''(III) to support research by early career faculty; and

''(IV) to improve research capabilities through biennial research implementation grants.

''(iii) NO COST SHARING.—EPSCoR shall not impose any cost-sharing requirement with respect to a grant made under this subparagraph, but may require letters of commitment from National Laboratories.

''(F) OTHER ACTIVITIES.—EPSCoR may carry out such activities as may be necessary to meet the objectives described in subparagraph (C) in the areas of applied energy research, environmental management, and basic science described in subparagraph (E)(i).

''(G) PROGRAM IMPLEMENTATION.—

''(i) IN GENERAL.—Not later than 270 days after the date of enactment of the National Defense Authorization Act for Fiscal Year 2021, the Secretary shall submit to the Committees on Energy and Natural Resources and Appropriations of the Senate and the Committees on Energy and Commerce and Appropriations of the House of Representatives a plan describing how the Secretary shall implement EPSCoR.

''(ii) CONTENTS OF PLAN.—The plan described in clause (i) shall include a description of—

''(I) the management structure of EPSCoR, which shall ensure that all research areas

and activities described in this paragraph are incorporated into EPSCoR;

''(II) efforts to conduct outreach to inform eligible jurisdictions and faculty of changes to, and opportunities under, EPSCoR;

''(III) how EPSCoR plans to increase engagement with eligible jurisdictions, faculty, and State committees, including by holding regular workshops, to increase participation in EPSCoR; and

''(IV) any other issues relating to EPSCoR that the Secretary determines appropriate.

''(H) PROGRAM EVALUATION.—

''(i) IN GENERAL.—Not later than 5 years after the date of enactment of the National Defense Authorization Act for Fiscal Year 2021, the Secretary shall contract with a federally funded research and development center, the National Academy of Sciences, or a similar organization to carry out an assessment of the effectiveness of EPSCoR, including an assessment of—

''(I) the tangible progress made towards achieving the objectives described in subparagraph (C);

''(II) the impact of research supported by EPSCoR on the mission of the Department of Energy; and

''(III) any other issues relating to EPSCoR that the Secretary determines appropriate.

''(ii) LIMITATION.—The organization with which the Secretary contracts under clause (i) shall not be a National Laboratory.

''(iii) REPORT.—Not later than 6 years after the date of enactment of the National Defense Authorization Act for Fiscal Year 2021, the Secretary shall submit to the Committees on Energy and Natural Resources and Appropriations of the Senate and the Committees on Energy and Commerce and Appropriations of the House of Representatives a report describing the results of the assessment carried out under clause (i), including recommendations for improvements that would enable the Secretary to achieve the objectives described in subparagraph (C).''.

SEC. 6088. SUBPOENA AUTHORITY.

(a) IN GENERAL.—Section 2209 of the Homeland Security Act of 2002 (6 U.S.C. 659) is amended—

(1) in subsection (a)—

(A) in paragraph (5), by striking ''and'' at the end;

(B) by redesignating paragraph (6) as paragraph (7); and

(C) by inserting after paragraph (5) the following:

''(6) the term 'security vulnerability' has the meaning given that term in section 102(17) of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501(17)); and'';

(2) in subsection (c)—

(A) in paragraph (10), by striking ''and'' at the end;

(B) in paragraph (11), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(12) detecting, identifying, and receiving information about security vulnerabilities relating to critical infrastructure in the information systems and devices for a cybersecurity purpose, as defined in section 102 of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501).''; and

(3) by adding at the end the following:

''(o) SUBPOENA AUTHORITY.—

''(1) DEFINITION.—In this subsection, the term 'covered device or system'—

''(A) means a device or system commonly used to perform industrial, commercial, scientific, or governmental functions or processes that relate to critical infrastructure, including operational and industrial control systems, distributed control systems, and programmable logic controllers; and

''(B) does not include personal devices and systems, such as consumer mobile devices, home computers, residential wireless routers, or residential internet enabled consumer devices.

''(2) AUTHORITY.—

''(A) IN GENERAL.—If the Director identifies a system connected to the internet with a specific security vulnerability and has reason to believe that the security vulnerability relates to critical infrastructure and affects a covered device or system, and the Director is unable to identify the entity at risk that owns or operates the covered device or system, the Director may issue a subpoena for the production of information necessary to identify and notify the entity at risk, in order to carry out a function authorized under subsection (c)(12).

''(B) LIMIT ON INFORMATION.—A subpoena issued under the authority under subparagraph (A) may seek information—

''(i) only in the categories set forth in subparagraphs (A), (B), (D), and (E) of section 2703(c)(2) of title 18, United States Code; and

''(ii) for not more than 20 covered devices or systems.

''(C) LIABILITY PROTECTIONS FOR DISCLOSING PROVIDERS.—The provisions of section 2703(e) of title 18, United States Code, shall apply to any subpoena issued under the authority under subparagraph (A).

''(3) COORDINATION.—

''(A) IN GENERAL.—If the Director decides to exercise the subpoena authority under this subsection, and in the interest of avoiding interference with ongoing law enforcement investigations, the Director shall coordinate the issuance of any such subpoena with the Department of Justice, including the Federal Bureau of Investigation, pursuant to inter-agency procedures which the Director, in coordination with the Attorney General, shall develop not later than 60 days after the date of enactment of this subsection.

''(B) CONTENTS.—The inter-agency procedures developed under this paragraph shall provide that a subpoena issued by the Director under this subsection shall be—

''(i) issued in order to carry out a function described in subsection (c)(12); and

''(ii) subject to the limitations under this subsection.

''(4) NONCOMPLIANCE.—If any person, partnership, corporation, association, or entity fails to comply with any duly served subpoena issued under this subsection, the Director may request that the Attorney General seek enforcement of the subpoena in any judicial district in which such person, partnership, corporation, association, or entity resides, is found, or transacts business.

''(5) NOTICE.—Not later than 7 days after the date on which the Director receives information obtained through a subpoena issued under this subsection, the Director shall notify any entity identified by information obtained under the subpoena regarding the subpoena and the identified vulnerability.

''(6) AUTHENTICATION.—

''(A) IN GENERAL.—Any subpoena issued by the Director under this subsection shall be authenticated with a cryptographic digital signature of an authorized representative of the Agency, or other comparable successor technology, that allows the Agency to demonstrate that the subpoena was issued by the Agency and has not been altered or modified since it was issued by the Agency.

''(B) INVALID IF NOT AUTHENTICATED.—Any subpoena issued by the Director under this subsection that is not authenticated in accordance with subparagraph (A) shall not be considered to be valid by the recipient of the subpoena.

''(7) PROCEDURES.—Not later than 90 days after the date of enactment of this subsection, the Director shall establish internal procedures and associated training, applicable to employees and operations of the Agency, regarding subpoenas issued under this subsection, which shall address—

''(A) the protection of and restriction on dissemination of nonpublic information obtained through a subpoena issued under this subsection, including a requirement that the Agency shall not disseminate nonpublic information obtained through a subpoena issued under this subsection that identifies the party that is subject to the subpoena or the entity at risk identified by information obtained, except that the Agency may share the nonpublic information of the entity at risk with another the Department of Justice for the purpose of enforcing the subpoena in accordance with paragraph (4) or with a Federal agency if—

''(i) the Agency identifies or is notified of a cybersecurity incident involving the entity, which relates to the vulnerability which led to the issuance of the subpoena;

''(ii) the Director determines that sharing the nonpublic information with another Federal agency is necessary to allow that Federal agency to take a law enforcement or national security action, subject to the inter-agency procedures under paragraph (3)(A), or actions related to mitigating or otherwise resolving such incident;

''(iii) the entity to which the information pertains is notified of the Director's determination, to the extent practicable consistent with national security or law enforcement interests, subject to the inter-agency procedures under paragraph (3)(A); and

''(iv) the entity consents, except that the entity's consent shall not be required if another Federal agency identifies the entity to the Agency in connection with a suspected cybersecurity incident;

''(B) the restriction on the use of information obtained through the subpoena for a cybersecurity purpose, as defined in section 102 of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501);

''(C) the retention and destruction of nonpublic information obtained through a subpoena issued under this subsection, including—

''(i) destruction of information obtained through the subpoena that the Director determines is unrelated to critical infrastructure immediately upon providing notice to the entity pursuant to paragraph (5); and

''(ii) destruction of any personally identifiable information not later than 6 months after the date on which the Director receives information obtained through the subpoena, unless otherwise agreed to by the individual identified by the subpoena respondent;

''(D) the processes for providing notice to each party that is subject to the subpoena and each entity identified by information obtained under a subpoena issued under this subsection;

''(E) the processes and criteria for conducting critical infrastructure security risk assessments to determine whether a subpoena is necessary prior to being issued under this subsection; and

''(F) the information to be provided to an entity at risk at the time of the notice of the vulnerability, which shall include—

''(i) a discussion or statement that responding to, or subsequent engagement with, the Agency, is voluntary; and

''(ii) to the extent practicable, information regarding the process through which the Director identifies security vulnerabilities.

''(8) LIMITATION ON PROCEDURES.—The internal procedures established under paragraph (7) may not require an owner or operator of critical infrastructure to take any action as a result of a notice of vulnerability made pursuant to this Act.

''(9) REVIEW OF PROCEDURES.—Not later than 1 year after the date of enactment of this subsection, the Privacy Officer of the Agency shall—

''(A) review the procedures developed by the Director under paragraph (7) to ensure that—

''(i) the procedures are consistent with fair information practices; and

''(ii) the operations of the Agency comply with the procedures; and

''(B) notify the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives of the results of the review.

''(10) PUBLICATION OF INFORMATION.—Not later than 120 days after establishing the internal procedures under paragraph (7), the Director shall publish information on the website of the Agency regarding the subpoena process under this subsection, including regarding—

''(A) the purpose for subpoenas issued under this subsection;

''(B) the subpoena process;

''(C) the criteria for the critical infrastructure security risk assessment conducted prior to issuing a subpoena;

''(D) policies and procedures on retention and sharing of data obtained by subpoena;

''(E) guidelines on how entities contacted by the Director may respond to notice of a subpoena; and

''(F) the procedures and policies of the Agency developed under paragraph (7).

''(11) ANNUAL REPORTS.—The Director shall annually 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 (which may include a classified annex but with the presumption of declassification) on the use of subpoenas under this subsection by the Director, which shall include—

''(A) a discussion of—

''(i) the effectiveness of the use of subpoenas to mitigate critical infrastructure security vulnerabilities;

''(ii) the critical infrastructure security risk assessment process conducted for subpoenas issued under this subsection;

''(iii) the number of subpoenas issued under this subsection by the Director during the preceding year;

''(iv) to the extent practicable, the number of vulnerable covered devices or systems mitigated under this subsection by the Agency during the preceding year; and

''(v) the number of entities notified by the Director under this subsection, and their response, during the previous year; and

''(B) for each subpoena issued under this subsection—

''(i) the source of the security vulnerability detected, identified, or received by the Director;

''(ii) the steps taken to identify the entity at risk prior to issuing the subpoena; and

''(iii) a description of the outcome of the subpoena, including discussion on the resolution or mitigation of the critical infrastructure security vulnerability.

''(12) PUBLICATION OF THE ANNUAL REPORTS.—The Director shall publish a version of the annual report required by paragraph (11) on the website of the Agency, which shall, at a minimum, include the findings described in clauses (iii), (iv) and (v) of paragraph (11)(A).

''(13) PROHIBITION ON USE OF INFORMATION FOR UNAUTHORIZED PURPOSES.—Any information obtained pursuant to a subpoena issued under this subsection shall not be provided to any other Federal agency for any purpose other than a cybersecurity purpose, as defined in section 102 of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501) or for the purpose of enforcing a subpoena under paragraph (4).''.

(b) RULES OF CONSTRUCTION.—

(1) PROHIBITION ON NEW REGULATORY AUTHORITY.—Nothing in this section or the amendments made by this section shall be construed to grant the Secretary of Homeland Security (in this subsection referred to as the ''Secretary''), or another Federal agency, any authority to promulgate regulations or set standards relating to the cybersecurity of private sector critical infrastructure that was not in effect on the day before the date of enactment of this Act.

(2) PRIVATE ENTITIES.—Nothing in this section or the amendments made by this section shall be construed to require any private entity—

(A) toto request assistance from the Secretary; or

(B) that requested such assistance from the Secretary to implement any measure or recommendation suggested by the Secretary.

SEC. 6089. THAD COCHRAN HEADQUARTERS BUILDING.

(a) IN GENERAL.—The headquarters building of the Engineer Research and Development Center of the Corps of Engineers located at 3909 Halls Ferry Road in Vicksburg, Mississippi, shall be known and designated as the ''Thad Cochran Headquarters Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the ''Thad Cochran Headquarters Building''.

SEC. 6090. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON HANDLING BY DEPARTMENT OF VETERANS AFFAIRS OF DISABILITY-RELATED BENEFITS CLAIMS BY VETERANS WITH TYPE 1 DIABETES WHO WERE EXPOSED TO A HERBICIDE AGENT.

The Comptroller General of the United States shall submit to Congress a report evaluating how the Department of Veterans Affairs has handled claims for disability-related benefits under laws administered by the Secretary of Veterans Affairs of veterans with type 1 diabetes who have been exposed to a herbicide agent (as defined in section 1116(a)(3) of title 38, United States Code).

SEC. 6091. SPECIAL RULES FOR CERTAIN MONTHLY WORKERS' COMPENSATION PAYMENTS AND OTHER PAYMENTS FOR FEDERAL GOVERNMENT PERSONNEL UNDER CHIEF OF MISSION AUTHORITY.

Section 901 of title IX of division J of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94) is amended—

(1) in subsection (a), by inserting ''or other designated heads of Federal agencies'' after ''The Secretary of State''; and

(2) in subsection (e)(2), by striking ''Department of State'' and inserting ''Federal Government''.

Subtitle H—Industries of the Future

SEC. 6094A. SHORT TITLE.

This subtitle may be cited as the ''Industries of the Future Act of 2020''.

SEC. 6094B. REPORT ON FEDERAL RESEARCH AND DEVELOPMENT FOCUSED ON INDUSTRIES OF THE FUTURE.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Director of the Office of Science and Technology Policy shall submit to Congress a report on research and development investments, infrastructure, and workforce development investments of the Federal Government that enable continued United States leadership in industries of the future.

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

(1) A definition, for purposes of this Act, of the term ''industries of the future'' that includes emerging technologies.

(2) An assessment of the current baseline of investments in civilian research and development investments of the Federal Government in the industries of the future.

(3) A plan to double such baseline investments in artificial intelligence and quantum information science by fiscal year 2022.

(4) A detailed plan to increase investments described in paragraph (2) in industries of the future to $10,000,000,000 per year by fiscal year 2025.

(5) A plan to leverage investments described in paragraphs (2), (3), and (4) in industries of the future to elicit complimentary investments by non-Federal entities to the greatest extent practicable.

(6) Proposed legislation to implement such plans.

SEC. 6094C. INDUSTRIES OF THE FUTURE COORDINATION COUNCIL.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The President shall establish or designate a council to advise the Director of the Office of Science and Technology Policy on matters relevant to the Director and the industries of the future.

(2) DESIGNATION.—The council established or designated under paragraph (1) shall be known as the ''Industries of the Future Coordination Council'' (in this section the ''Council'').

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Council shall be composed of members from the Federal Government as follows:

(A) One member appointed by the Director.

(B) A chairperson of the Select Committee on Artificial Intelligence of the National Science and Technology Council.

(C) A chairperson of the Subcommittee on Advanced Manufacturing of the National Science and Technology Council.

(D) A chairperson of the Subcommittee on Quantum Information Science of the National Science and Technology Council.

(E) Such other members as the President considers appropriate.

(2) CHAIRPERSON.—The member appointed to the Council under paragraph (1)(A) shall serve as the chairperson of the Council.

(c) DUTIES.—The duties of the Council are as follows:

(1) To provide the Director with advice on ways in which in the Federal Government can ensure the United States continues to lead the world in developing emerging technologies that improve the quality of life of the people of the United States, increase economic competitiveness of the United States, and strengthen the national security of the United States, including identification of the following:

(A) Investments required in fundamental research and development, infrastructure, and workforce development of the United States workers who will support the industries of the future.

(B) Actions necessary to create and further develop the workforce that will support the industries of the future.

(C) Actions required to leverage the strength of the research and development ecosystem of the United States, which includes academia, industry, and nonprofit organizations.

(D) Ways that the Federal Government can consider leveraging existing partnerships and creating new partnerships and other multisector collaborations to advance the industries of the future.

(2) To provide the Director with advice on matters relevant to the report required by section 6092B.

(d) COORDINATION.—The Council shall coordinate with and utilize relevant existing

National Science and Technology Council committees to the maximum extent feasible in order to minimize duplication of effort.

(e) SUNSET.—The Council shall terminate on the date that is 6 years after the date of the enactment of this Act.

Subtitle I—READI Act

SEC. 6096. SHORT TITLE.

This subtitle may be cited as the ''Reliable Emergency Alert Distribution Improvement Act of 2020'' or ''READI Act''.

SEC. 6096A. DEFINITIONS.

In this subtitle—

(1) the term ''Administrator'' means the Administrator of the Federal Emergency Management Agency;

(2) the term ''Commission'' means the Federal Communications Commission;

(3) the term ''Emergency Alert System'' means the national public warning system, the rules for which are set forth in part 11 of title 47, Code of Federal Regulations (or any successor regulation); and

(4) the term ''Wireless Emergency Alerts System'' means the wireless national public warning system established under the Warning, Alert, and Response Network Act (47 U.S.C. 1201 et seq.), the rules for which are set forth in part 10 of title 47, Code of Federal Regulations (or any successor regulation).

SEC. 6096B. WIRELESS EMERGENCY ALERTS SYSTEM OFFERINGS.

(a) AMENDMENT.—Section 602(b)(2)(E) of the Warning, Alert, and Response Network Act (47 U.S.C. 1201(b)(2)(E)) is amended—

(1) by striking the second and third sentences; and

(2) by striking ''other than an alert issued by the President.'' and inserting the following: ''other than an alert issued by—

''(i) the President; or

''(ii) the Administrator of the Federal Emergency Management Agency.''.

(b) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Commission, in consultation with the Administrator, shall adopt regulations to implement the amendment made by subsection (a)(2).

SEC. 6096C. STATE EMERGENCY ALERT SYSTEM PLANS AND EMERGENCY COMMUNICATIONS COMMITTEES.

(a) DEFINITIONS.—In this section—

(1) the term ''SECC'' means a State Emergency Communications Committee;

(2) the term ''State'' means any State 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, and any possession of the United States; and

(3) the term ''State EAS Plan'' means a State Emergency Alert System Plan.

(b) STATE EMERGENCY COMMUNICATIONS COMMITTEE.—Not later than 180 days after the date of enactment of this Act, the Commission shall adopt regulations that—

(1) encourage the chief executive of each State—

(A) to establish an SECC if the State does not have an SECC; or

(B) if the State has an SECC, to review the composition and governance of the SECC;

(2) provide that—

(A) each SECC, not less frequently than annually, shall—

(i) meet to review and update its State EAS Plan;

(ii) certify to the Commission that the SECC has met as required under clause (i); and

(iii) submit to the Commission an updated State EAS Plan; and

(B) not later than 60 days after the date on which the Commission receives an updated State EAS Plan under subparagraph (A)(iii), the Commission shall—

(i) approve or disapprove the updated State EAS Plan; and

(ii) notify the chief executive of the State of the Commission's findings; and

(3) establish a State EAS Plan content checklist for SECCs to use when reviewing and updating a State EAS Plan for submission to the Commission under paragraph (2)(A).

(c) CONSULTATION.—The Commission shall consult with the Administrator regarding the adoption of regulations under subsection (b)(3).

SEC. 6096D. INTEGRATED PUBLIC ALERT AND WARNING SYSTEM GUIDANCE.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall develop and issue guidance on how State, Tribal, and local governments can participate in the integrated public alert and warning system of the United States described in section 526 of the Homeland Security Act of 2002 (6 U.S.C. 321o) (referred to in this section as the ''public alert and warning system'') while maintaining the integrity of the public alert and warning system, including—

(1) 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;

(2) 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—

(A) the initiation, or prohibition on the initiation, of alerts by a single authorized or unauthorized individual;

(B) testing a State, Tribal, or local government incident management and warning tool without accidentally initiating an alert through the public alert and warning system; and

(C) steps a State, Tribal, or local government official should take to mitigate the possibility of the issuance of a false alert through the public alert and warning system;

(3) the standardization, functionality, and interoperability of incident management and warning tools used by State, Tribal, and local governments to notify the public of an emergency through the public alert and warning system;

(4) the annual training and recertification of emergency management personnel on requirements for originating and transmitting an alert through the public alert and warning system;

(5) the procedures, protocols, and guidance concerning the protective action plans that State, Tribal, and local governments should issue to the public following an alert issued under the public alert and warning system;

(6) the procedures, protocols, and guidance concerning the communications that State, Tribal, and local governments should issue to the public following a false alert issued under the public alert and warning system;

(7) 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 Alerts 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

(8) any other procedure the Administrator considers appropriate for maintaining the integrity of and providing for public confidence in the public alert and warning system.

(b) COORDINATION WITH NATIONAL ADVISORY COUNCIL REPORT.—The Administrator shall ensure that the guidance developed under subsection (a) does 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).

(c) PUBLIC CONSULTATION.—In developing the guidance under subsection (a), the Administrator shall ensure appropriate public consultation and, to the extent practicable, coordinate the development of the guidance with stakeholders of the public alert and warning system, including—

(1) appropriate personnel from Federal agencies, including the National Institute of Standards and Technology, the Federal Emergency Management Agency, and the Commission;

(2) 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;

(3) representatives of federally recognized Indian Tribes and national Indian organizations;

(4) communications service providers;

(5) vendors, developers, and manufacturers of systems, facilities, equipment, and capabilities for the provision of communications services;

(6) third-party service bureaus;

(7) the national organization representing the licensees and permittees of noncommercial broadcast television stations;

(8) technical experts from the broadcasting industry, including representatives of both the non-commercial and commercial radio broadcast industries and non-commercial and commercial television broadcast industries;

(9) educators from the Emergency Management Institute; and

(10) other individuals with technical expertise as the Administrator determines appropriate.

(d) INAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the public consultation with stakeholders under subsection (c).

(e) RULE OF CONSTRUCTION.—Nothing in subsection (a) shall be construed to amend, supplement, or abridge the authority of the Commission under the Communications Act of 1934 (47 U.S.C. 151 et seq.) or in any other manner give the Administrator authority over communications service providers participating in the Emergency Alert System or the Wireless Emergency Alerts System.

SEC. 6096E. FALSE ALERT REPORTING.

Not later than 180 days after the date of enactment of this Act, the Commission, in consultation with the Administrator, shall complete a rulemaking proceeding to establish a system to receive from the Administrator or State, Tribal, or local governments reports of false alerts under the Emergency Alert System or the Wireless Emergency Alerts System for the purpose of recording such false alerts and examining their causes.

SEC. 6096F. REPEATING EMERGENCY ALERT SYSTEM MESSAGES FOR NATIONAL SECURITY.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commission, in consultation with the Administrator, shall complete a rulemaking proceeding to modify the Emergency Alert System to provide for repeating Emergency Alert System messages while an alert remains pending that is issued by—

(1) the President;

(2) the Administrator; or

(3) any other entity under specified circumstances as determined by the Commission, in consultation with the Administrator.

(b) SCOPE OF RULEMAKING.—Subsection (a)—

(1) shall apply to warnings of national security events, meaning emergencies of national significance, such as a missile threat, terror attack, or other act of war; and

(2) shall not apply to more typical warnings, such as a weather alert, AMBER Alert, or disaster alert.

SEC. 6096G. INTERNET AND ONLINE STREAMING SERVICES EMERGENCY ALERT EXAMINATION.

(a) STUDY.—Not later than 180 days after the date of enactment of this Act, and after providing public notice and opportunity for comment, the Commission shall complete an inquiry to examine the feasibility of updating the Emergency Alert System to enable or improve alerts to consumers provided through the internet, including through streaming services.

(b) REPORT.—Not later than 90 days after completing the inquiry under subsection (a), the Commission shall submit a report on the findings and conclusions of the inquiry to—

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

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

TITLE LXII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle B—Matters Relating to Afghanistan and Pakistan

SEC. 6211. CONGRESSIONAL OVERSIGHT OF UNITED STATES TALKS WITH TALIBAN OFFICIALS AND AFGHANISTAN'S COMPREHENSIVE PEACE PROCESS.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Relations, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) GOVERNMENT OF AFGHANISTAN.—The term ''Government of Afghanistan'' means the Government of the Islamic Republic of Afghanistan and its agencies, instrumentalities, and controlled entities.

(3) THE TALIBAN.—The term ''the Taliban''—

(A) refers to the organization that refers to itself as the ''Islamic Emirate of Afghanistan'', that was founded by Mohammed Omar, and that is currently led by Mawlawi Hibatullah Akhundzada; and

(B) includes subordinate organizations, such as the Haqqani Network, and any successor organization.

(4) FEBRUARY 29 AGREEMENT.—The term ''February 29 Agreement'' refers to the political arrangement between the United States and the Taliban titled ''Agreement for Bringing Peace to Afghanistan Between the Islamic Emirate of Afghanistan which is not recognized by the United States as a state and is known as the Taliban and the United States of America'' signed at Doha, Qatar February 29, 2020.

(b) OVERSIGHT OF PEACE PROCESS AND OTHER AGREEMENTS.—

(1) TRANSMISSION TO CONGRESS OF MATERIALS RELEVANT TO THE FEBRUARY 29 AGREEMENT.—The Secretary of State, in consultation with the Secretary of Defense, shall continue to submit to the appropriate congressional committees materials relevant to the February 29 Agreement.

(2) SUBMISSION TO CONGRESS OF ANY FUTURE DEALS INVOLVING THE TALIBAN.—The Secretary of State shall submit to the appropriate congressional committees, within 5 days of conclusion and on an ongoing basis thereafter, any future agreement or arrangement involving the Taliban in any manner, as well as materials relevant to any future agreement or arrangement involving the Taliban in any manner.

(3) DEFINITIONS.—In this subsection, the terms ''materials relevant to the February 29 Agreement'' and ''materials relevant to any future agreement or arrangement'' include all annexes, appendices, and instruments for implementation of the February 29 Agreement or a future agreement or arrangement, as well as any understandings or expectations related to the Agreement or a future agreement or arrangement.

(c) REPORT AND BRIEFING ON VERIFICATION AND COMPLIANCE.—

(1) IN GENERAL.—

(A) REPORT.—Not later than 90 days after the date of the enactment of this Act, and not less frequently than once every 120 days thereafter, the President shall submit to the appropriate congressional committees a report verifying whether the key tenets of the February 29 Agreement, or future agreements, and accompanying implementing frameworks are being preserved and honored.

(B) BRIEFING.—At the time of each report submitted under subparagraph (A), the Secretary of State shall direct a Senate-confirmed Department of State official and other appropriate officials to brief the appropriate congressional committees on the contents of the report. The Director of National Intelligence shall also direct an appropriate official to participate in the briefing.

(2) ELEMENTS.—The report and briefing required under paragraph (1) shall include—

(A) an assessment—

(i) of the Taliban's compliance with counterterrorism guarantees, including guarantees to deny safe haven and freedom of movement to al-Qaeda and other terrorist threats from operating on territory under its influence; and

(ii) whether the United States intelligence community has collected any intelligence indicating the Taliban does not intend to uphold its commitments;

(B) an assessment of Taliban actions against terrorist threats to United States national security interests;

(C) an assessment of whether Taliban officials have made a complete, transparent, public, and verifiable breaking of all ties with al-Qaeda;

(D) an assessment of the current relationship between the Taliban and al-Qaeda, including any interactions between members of the two groups in Afghanistan, Pakistan, or other countries, and any change in Taliban conduct towards al-Qaeda since February 29, 2020;

(E) an assessment of the relationship between the Taliban and any other terrorist group that is assessed to threaten the security of the United States or its allies, including any change in conduct since February 29, 2020;

(F) an assessment of whether the Haqqani Network has broken ties with al-Qaeda, and whether the Haqqani Network's leader Sirajuddin Haqqani remains part of the leadership structure of the Taliban;

(G) an assessment of threats emanating from Afghanistan against the United States homeland and United States partners, and a description of how the United States Government is responding to those threats;

(H) an assessment of intra-Afghan discussions, political reconciliation, and progress towards a political roadmap that seeks to serve all Afghans;

(I) an assessment of the viability of any intra-Afghan governing agreement;

(J) an assessment as to whether the terms of any reduction in violence or ceasefire are being met by all sides in the conflict;

(K) a detailed overview of any United States and NATO presence remaining in Afghanistan and any planned changes to such force posture;

(L) an assessment of the status of human rights, including the rights of women, minorities, and youth;

(M) an assessment of the access of women, minorities, and youth to education, justice, and economic opportunities in Afghanistan;

(N) an assessment of the status of the rule of law and governance structures at the central, provincial, and district levels of government;

(O) an assessment of the media and of the press and civil society's operating space in Afghanistan;

(P) an assessment of illicit narcotics production in Afghanistan, its linkages to terrorism, corruption, and instability, and policies to counter illicit narcotics flows;

(Q) an assessment of corruption in Government of Afghanistan institutions at the district, provincial, and central levels of government;

(R) an assessment of the number of Taliban and Afghan prisoners and any plans for the release of such prisoners from either side;

(S) an assessment of any malign Iranian, Chinese, and Russian influence in Afghanistan;

(T) an assessment of how other regional actors, such as Pakistan, are engaging with Afghanistan;

(U) a detailed overview of national-level efforts to promote transitional justice, including forensic efforts and documentation of war crimes, mass killings, or crimes against humanity, redress to victims, and reconciliation activities;

(V) A detailed overview of United States support for Government of Afghanistan and civil society efforts to promote peace and justice at the local level and how these efforts are informing government-level policies and negotiations;

(W) an assessment of the progress made by the Afghanistan Ministry of Interior and the Office of the Attorney General to address gross violations of human rights (GVHRs) by civilian security forces, Taliban, and non-government armed groups, including—

(i) a breakdown of resources provided by the Government of Afghanistan towards these efforts; and

(ii) a summary of assistance provided by the United States Government to support these efforts; and

(X) an overview of civilian casualties caused by the Taliban, non-government armed groups, and Afghan National Defense and Security Forces, including—

(i) an estimate of the number of destroyed or severely damaged civilian structures;

(ii) a description of steps taken by the Government of Afghanistan to minimize civilian casualties and other harm to civilians and civilian infrastructure;

(iii) an assessment of the Government of Afghanistan's capacity and mechanisms for investigating reports of civilian casualties; and

(iv) an assessment of the Government of Afghanistan's efforts to hold local militias accountable for civilian casualties.

(3) COUNTERTERRORISM STRATEGY.—In the event that the Taliban does not meet its counterterrorism obligations under the February 29 Agreement, the report and briefing

required under this subsection shall include information detailing the United States' counterterrorism strategy in Afghanistan and Pakistan.

(4) FORM.—The report required under subparagraph (A) of paragraph (1) shall be submitted in unclassified form, but may include a classified annex, and the briefing required under subparagraph (B) of such paragraph shall be conducted at the appropriate classification level.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall prejudice whether a future deal involving the Taliban in any manner constitutes a treaty for purposes of Article II of the Constitution of the United States.

(e) SUNSET.—Except for subsections (b) and (d), the provisions of this section shall cease to be effective on the date that is 5 years after the date of the enactment of this Act.

Subtitle D—Matters Relating to Europe and the Russian Federation

SEC. 6231. CLARIFICATION AND EXPANSION OF SANCTIONS RELATING TO CONSTRUCTION OF NORD STREAM 2 OR TURKSTREAM PIPELINE PROJECTS.

(a) IN GENERAL.—Subsection (a)(1) of section 7503 of the Protecting Europe's Energy Security Act of 2019 (title LXXV of Public Law 116–92) is amended—

(1) in subparagraph (A), by inserting ''or pipe-laying activities'' after ''pipe-laying''; and

(2) in subparagraph (B)—

(A) in clause (i)—

(i) by inserting '', or facilitated selling, leasing, or providing,'' after ''provided''; and

(ii) by striking ''; or'' and inserting a semicolon;

(B) in clause (ii), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(iii) provided underwriting services or insurance or reinsurance for those vessels;

''(iv) provided services or facilities for technology upgrades or installation of welding equipment for, or retrofitting or tethering of, those vessels; or

''(v) provided services for the testing, inspection, or certification necessary for, or associated with the operation of, the Nord Stream 2 pipeline.''.

(b) DEFINITIONS.—Subsection (i) of such section is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following:

''(5) PIPE-LAYING ACTIVITIES.—The term 'pipe-laying activities' means activities that facilitate pipe-laying, including site preparation, trenching, surveying, placing rocks, backfilling, stringing, bending, welding, coating, and lowering of pipe.''.

SEC. 6235. SENSE OF SENATE ON ADMISSION OF UKRAINE TO THE NORTH ATLANTIC TREATY ORGANIZATION ENHANCED OPPORTUNITIES PARTNERSHIP PROGRAM.

(a) INEFFECTIVENESS OF SECTION 1235.—Section 1235 shall have no force or effect.

(b) FINDINGS.—Congress makes the following findings:

(1) On August 24, 1991, Ukraine became a free and independent country after declaring its independence from the Soviet Union.

(2) The Russian Federation is required to respect the independence, sovereignty, and territorial integrity of Ukraine through its signed commitments to the 1994 Budapest Memorandum, the 1975 Helsinki Accords, and the Charter of the United Nations.

(3) On February 8, 1994, Ukraine was among the first post-Soviet states to join the North Atlantic Treaty Organization's Partnership for Peace, and Ukraine subsequently participated in numerous North Atlantic Treaty Organization-led security assistance, peacekeeping, counterterror, and maritime initiatives.

(4) The North Atlantic Treaty Organization and Ukraine have continuously deepened their cooperation through the establishment of—

(A) the North Atlantic Treaty Organization-Ukraine Charter on a Distinctive Partnership and the North Atlantic Treaty Organization-Ukraine Commission in 1997;

(B) the North Atlantic Treaty Organization-Ukraine Joint Working Group on Defense Reform in 1998; and

(C) the North Atlantic Treaty Organization-Ukraine Action Plan in 2002.

(5) In the Bucharest Summit Declaration of April 2008, heads of state and governments of North Atlantic Treaty Organization member countries declared, ''NATO welcomes Ukraine's and Georgia's Euro-Atlantic aspirations for membership in NATO. We agreed today that these countries will become members of NATO.''.

(6) Beginning on November 21, 2013, and ending on February 22, 2014, during a period that became known as the Revolution of Dignity, the people of Ukraine peacefully protested the decision of then President Viktor Yanukovych to suspend the signing of the Ukraine-European Union Association Agreement, resulting in the unanimous removal from office of Yanukovych by the Verkhovna Rada.

(7) On May 25, 2014, Peter Poroshenko was elected democratically to become the President of Ukraine based on a pro-European Union and pro-North Atlantic Treaty Organization platform, which laid the foundation for progress on the European Union Association Agreement.

(8) In response to Ukraine's Revolution of Dignity, the Russian Federation launched an overt and covert military campaign against Ukraine, illegally occupied Ukraine's Crimean Peninsula, and instigated war in eastern Ukraine, resulting in the deaths of approximately 14,000 Ukrainians.

(9) The Russian Federation's invasion and illegal occupation of the Crimean Peninsula and instigation of conflict in eastern Ukraine in 2014 was widely viewed as an effort to stifle pro-democracy and pro-Western developments across Ukraine in the wake of the Revolution of Dignity.

(10) At the 2014 Wales Summit, the North Atlantic Treaty Organization adopted the Enhanced Opportunities Partnership Program as a component of the North Atlantic Treaty Organization Partnership Interoperability Initiative, which would ''encourage, facilitate, and sustain'' Ukraine's contributions to the North Atlantic Treaty Organization.

(11) In 2016, as a result of the Warsaw Summit, the North Atlantic Treaty Organization pledged additional training and technical support for the military forces of Ukraine and endorsed a comprehensive assistance package that included ''tailored capability and capacity building measures . . . to enhance Ukraine's resilience against a wide array of threats, including hybrid threats''.

(12) In 2017, in the face of continued Russian Federation aggression in the eastern region of Ukraine and the continued occupation of Crimea, the Government of Ukraine rejected cooperation with the Russian Federation and voted to make cooperation with the North Atlantic Treaty Organization a foreign policy priority.

(13) On September 1, 2017, the Ukraine-European Union Association Agreement entered into force.

(14) On April 21, 2019, the new president of Ukraine, Volodymyr Zelenskyy—

(A) reaffirmed to European Union and North Atlantic Treaty Organization leaders that Ukraine's strategic course was to achieve full membership in the European Union and the North Atlantic Treaty Organization; and

(B) championed the adoption of an amendment to the Constitution of Ukraine declaring that the Government of Ukraine is responsible for implementing such strategic course toward membership in the European Union and the North Atlantic Treaty Organization.

(15) In January 2020, the Government of Ukraine requested that the North Atlantic Treaty Organization grant Ukraine the status of an Enhanced Opportunities Partner.

(16) Since Ukraine's Revolution of Dignity and in recognition of the United States-Ukraine strategic partnership, the United States has—

(A) provided Ukraine with more than $1,600,000,000 in security assistance, including critical defense items;

(B) collaborated closely with the military forces of Ukraine; and

(C) imposed strong sanctions on the Russian Federation in response to continued Russian Federation aggression in Ukraine.

(17) On June 12, 2020, the North Atlantic Treaty Organization welcomed Ukraine into the Enhanced Opportunities Partnership program, joining Australia, Finland, Sweden, Georgia, and Jordan.

(c) SENSE OF SENATE.—It is the sense of the Senate that the Senate—

(1) applauds the progress of Ukraine and the Revolution of Dignity with respect to strengthening the rule of law and combating corruption, aligning with Euro-Atlantic norms and standards, and improving Ukraine's military combat readiness and interoperability with the North Atlantic Treaty Organization;

(2) affirms the unwavering commitment of the United States to—

(A) supporting the continued efforts of Ukraine to implement democratic and free market reforms;

(B) restoring the territorial integrity of Ukraine; and

(C) providing additional lethal and nonlethal security assistance to strengthen the defense capabilities of Ukraine and to deter further Russian Federation aggression;

(3) condemns the Russian Federation's ongoing use of force and other malign activities against Ukraine and renews its call on the Government of the Russian Federation to immediately cease all activities that seek to undermine Ukraine and destabilize Europe; and

(4) congratulates Ukraine on its inclusion in the North Atlantic Treaty Organization Enhanced Opportunities Partnership program and on the establishment of a roadmap to full NATO accession for Ukraine.

Subtitle E—Matters Relating to the Indo-Pacific Region

SEC. 6251. PILOT PROGRAM TO IMPROVE CYBER COOPERATION WITH VIETNAM, THAILAND, AND INDONESIA.

(a) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of State, may establish a pilot program in Vietnam, Thailand, and Indonesia—

(1) to enhance the cyber security, resilience, and readiness of Vietnam, Thailand, and Indonesia; and

(2) to increase regional cooperation between the United States and Vietnam, Thailand, and Indonesia on cyber issues.

(b) ELEMENTS.—The activities of the pilot program under subsection (a) shall include the following:

(1) Provision of training to cybersecurity and computer science professionals in Vietnam, Thailand, and Indonesia.

(2) An expansion of the capacity of organizations involved in the training of such cybersecurity and computer science professionals.

(3) The facilitation of regular policy dialogues between and among the United States Government and the governments of Vietnam, Thailand, and Indonesia with respect to the development of infrastructure to protect against cyber attacks.

(4) An evaluation of legal and other barriers to reforms relevant to cybersecurity and technology in Vietnam, Thailand, and Indonesia.

(5) A feasibility study on establishing a public-private partnership to build cloud-computing capacity in Vietnam, Thailand, and Indonesia and in Southeast Asia more broadly.

(6) The development of cooperative exercises, to be carried out in future years, to enhance collaboration between the United States Government and the governments of Vietnam, Thailand, and Indonesia.

(c) FUNDING.—The Secretary of Defense may enter into cooperative agreements with entities that receive funds under section 211 of the Vietnam Education Foundation Act of 2000 (title II of division B of H.R. 5666, as enacted by section 1(a)(4) of Public Law 106–554 and contained in appendix D of that Act; 114 Stat. 2763A–254; 22 U.S.C. 2452 note), as added by section 7085 of the Consolidated and Further Appropriations Act, 2015 (Public Law 113–235; 128 Stat. 2685), to carry out the pilot program under subsection (a).

(d) REPORTS.—

(1) DESIGN OF PILOT PROGRAM.—Not later than June 1, 2021, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the appropriate committees of Congress a report on the design of the pilot program under subsection (a).

(2) PROGRESS REPORT.—Not later than December 31, 2021, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the appropriate committees of Congress a report on the pilot program under subsection (a) that includes—

(A) a description of the activities conducted and the results of such activities; and

(B) an assessment of legal and other barriers to reforms relevant to cybersecurity and technology in Vietnam, Thailand, and Indonesia.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 for fiscal year 2021 to carry out this section.

(f) OFFSET.—The amount authorized to be appropriated by this Act for operation and maintenance, Navy, and available for SAG 1CCS for military information support operations, is hereby reduced by $5,000,000.

(g) 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.

Subtitle F—Reports

SEC. 6273. REPORT ON RISK TO PERSONNEL, EQUIPMENT, AND OPERATIONS DUE TO HUAWEI 5G ARCHITECTURE IN HOST COUNTRIES.

Section 1273 shall have no force or effect.

Subtitle G—Other Matters

SEC. 6281. COMPARATIVE STUDIES ON DEFENSE BUDGET TRANSPARENCY OF THE PEOPLE'S REPUBLIC OF CHINA, THE RUSSIAN FEDERATION, AND THE UNITED STATES.

(a) STUDIES REQUIRED.—

(1) DEPARTMENT OF DEFENSE STUDY.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense, acting through the Director of the Defense Intelligence Agency, in consultation with the Under Secretary of Defense (Comptroller), the Director of the Office of Cost Assessment and Program Evaluation, the Director of the Office of Net Assessment, the Assistant Secretary of Defense for Indo-Pacific Security Affairs, and the Assistant Secretary of Defense for International Security Affairs, shall complete a comparative study on the defense budgets of the People's Republic of China, the Russian Federation, and the United States.

(2) INDEPENDENT STUDY.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall offer to enter into an agreement with not more than two entities independent of the Department to conduct a comparative study on the defense budgets of the People's Republic of China, the Russian Federation, and the United States, to be completed not later than 270 days after the date of the enactment of this Act.

(B) FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTER.—Not fewer than one entity described in subparagraph (A) shall be a federally funded research and development center.

(b) GOAL.—The goal of the studies required by subsection (a) shall be to develop a methodologically sound set of assumptions to underpin a comparison of the defense spending of the People's Republic of China, the Russian Federation, and the United States.

(c) ELEMENTS.—Each study required by subsection (a) shall do the following:

(1) Develop consistent functional categories for spending, including—

(A) defense-related research and development;

(B) weapons procurement;

(C) operations and maintenance; and

(D) pay and benefits.

(2) Consider the effects of purchasing power parity and market exchange rates, particularly on nontraded goods.

(3) Consider differences in the relative prices of goods and labor within each subject country.

(4) Compare the costs of labor and benefits for the defense workforce of each subject country.

(5) Account for discrepancies in the manner in which each subject country accounts for certain functional types of defense-related spending.

(6) Explicitly estimate the magnitude of omitted spending from official defense budget information.

(7) Evaluate the adequacy of the United Nations database on military expenditures.

(8) Exclude spending related to veterans' benefits.

(d) REPORT.—Not later than 30 days after the date on which the studies required by subsection (a) are completed, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of each study, together with the views of the Secretary on each study.

(e) FORM.—The report required by subsection (d) shall be submitted in unclassified form, but may include a classified annex.

SEC. 6282. MODIFICATION TO INITIATIVE TO SUPPORT PROTECTION OF NATIONAL SECURITY ACADEMIC RESEARCHERS FROM UNDUE INFLUENCE AND OTHER SECURITY THREATS.

Section 1286 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 2358 note) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by adding after subsection (e) the following new subsection (f):

''(f) DESIGNATION OF ACADEMIC LIAISON.—

''(1) IN GENERAL.—Not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2021, the Secretary, acting through the Under Secretary of Defense for Research and Engineering, shall designate an academic liaison with principal responsibility for working with the academic community to protect Department-sponsored academic research of concern from undue foreign influence.

''(2) QUALIFICATION.—The Secretary shall designate an individual under paragraph (1) who is an official of the Office of the Under Secretary of Defense for Research and Engineering.

''(3) DUTIES.—The duties of the academic liaison designated under paragraph (1) shall be as follows:

''(A) To serve as the liaison of the Department with the academic community.

''(B) To conduct annual outreach and education activities for the academic community on undue foreign influence and threats to Department-sponsored academic research of concern.

''(C) To coordinate and align academic security policies with Department component agencies, the Office of Science and Technology Policy, the intelligence community, Federal science agencies, and Federal regulatory agencies, including agencies involved in export controls.

''(D) To the extent practicable, to coordinate on an annual basis with the intelligence community to share, not less frequently than annually, with the academic community unclassified information, including counterintelligence information, on threats from undue foreign influence.

''(E) Any other related responsibility, as determined by the Secretary in consultation with the Under Secretary of Defense for Research and Engineering.

''(F) Any other duty, as determined by the Secretary.''.

SEC. 6283. SENSE OF SENATE ON UNITED STATES-ISRAEL COOPERATION ON PRECISION-GUIDED MUNITIONS.

It is the sense of the Senate that—

(1) the Department of Defense has cooperated extensively with Israel to assist in the procurement of precision-guided munitions, and such cooperation represents an important example of robust United States support for Israel;

(2) to the extent practicable, the Secretary of Defense should take further measures to expedite deliveries of precision-guided munitions to Israel; and

(3) regularized annual purchases of precision-guided munitions by Israel, in accordance with existing requirements and practices regarding the export of defense articles and defense services, coordinated with the United States Air Force annual purchase of precision-guided munitions, would enhance the security of both the United States and Israel by—

(A) promoting a more efficient use of defense resources by taking advantage of economies of scale;

(B) enabling the United States and Israel to address crisis requirements for precision-guided munitions in a timely and flexible manner; and

(C) encouraging the defense industrial base to maintain routine production lines of precision-guided munitions.

SEC. 6284. BLOCKING DEADLY FENTANYL IMPORTS.

(a) SHORT TITLE.—This section may be cited as the ''Blocking Deadly Fentanyl Imports Act''.

(b) DEFINITIONS.—Section 481(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)) is amended—

(1) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking ''in which'';

(B) in subparagraph (A), by inserting ''in which'' before ''1,000'';

(C) in subparagraph (B)—

(i) by inserting ''in which'' before ''1,000''; and

(ii) by striking ''or'' at the end;

(D) in subparagraph (C)—

(i) by inserting ''in which'' before ''5,000''; and

(ii) by inserting ''or'' after the semicolon; and

(E) by adding at the end the following:

''(D) that is a significant source of illicit synthetic opioids significantly affecting the United States;''; and

(2) in paragraph (4)—

(A) in subparagraph (C), by striking ''and'' at the end;

(B) in subparagraph (D), by adding ''and'' at the end; and

(C) by adding at the end the following:

''(E) assistance that furthers the objectives set forth in paragraphs (1) through (4) of section 664(b) of the Foreign Relations Authorization Act, Fiscal Year 2003 (22 U.S.C. 2151n–2(b));

''(F) assistance to combat trafficking authorized under the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7101 et seq.)); and

''(G) global health assistance authorized under sections 104 through 104C of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b through 22 U.S.C. 2151b–4).''.

(c) INTERNATIONAL NARCOTICS CONTROL STRATEGY REPORT.—Section 489(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h(a)) is amended by adding at the end the following:

''(9) A separate section that contains the following:

''(A) An identification of the countries, to the extent feasible, that are the most significant sources of illicit fentanyl and fentanyl analogues significantly affecting the United States during the preceding calendar year.

''(B) A description of the extent to which each country identified pursuant to subparagraph (A) has cooperated with the United States to prevent the articles or chemicals described in subparagraph (A) from being exported from such country to the United States.

''(C) A description of whether each country identified pursuant to subparagraph (A) has adopted and utilizes scheduling or other procedures for illicit drugs that are similar in effect to the procedures authorized under title II of the Controlled Substances Act (21 U.S.C. 811 et seq.) for adding drugs and other substances to the controlled substances schedules;

''(D) A description of whether each country identified pursuant to subparagraph (A) is following steps to prosecute individuals involved in the illicit manufacture or distribution of controlled substance analogues (as defined in section 102(32) of the Controlled Substances Act (21 U.S.C. 802(32)); and

''(E) A description of whether each country identified pursuant to subparagraph (A) requires the registration of tableting machines and encapsulating machines or other measures similar in effect to the registration requirements set forth in part 1310 of title 21, Code of Federal Regulations, and has not made good faith efforts, in the opinion of the Secretary, to improve regulation of tableting machines and encapsulating machines.''.

(d) WITHHOLDING OF BILATERAL AND MULTILATERAL ASSISTANCE.—

(1) IN GENERAL.—Section 490(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j(a)) is amended—

(A) in paragraph (1), by striking ''or country identified pursuant to clause (i) or (ii) of section 489(a)(8)(A) of this Act'' and inserting ''country identified pursuant to section 489(a)(8)(A), or country thrice identified during a 5-year period pursuant to section 489(a)(9)(A)''; and

(B) in paragraph (2), by striking ''or major drug-transit country (as determined under subsection (h)) or country identified pursuant to clause (i) or (ii) of section 489(a)(8)(A) of this Act'' and inserting '', major drug-transit country, country identified pursuant to section 489(a)(8)(A), or country thrice identified during a 5-year period pursuant to section 489(a)(9)(A)''.

(2) DESIGNATION OF ILLICIT FENTANYL COUNTRIES WITHOUT SCHEDULING PROCEDURES.—Section 706(2) of the Foreign Relations Authorization Act, Fiscal Year 2003 (22 U.S.C. 2291j–1(2)) is amended—

(A) in the matter preceding subparagraph (A), by striking ''also'';

(B) in subparagraph (A)(ii), by striking ''and'' at the end;

(C) by redesignating subparagraph (B) as subparagraph (D);

(D) by inserting after subparagraph (A) the following:

''(B) designate each country, if any, identified under section 489(a)(9) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h(a)(9)) that has failed to adopt and utilize scheduling procedures for illicit drugs that are comparable to the procedures authorized under title II of the Controlled Substances Act (21 U.S.C. 811 et seq.) for adding drugs and other substances to the controlled substances schedules;''; and

(E) in subparagraph (D), as redesignated, by striking ''so designated'' and inserting ''designated under subparagraph (A), (B), or (C)''.

(3) DESIGNATION OF ILLICIT FENTANYL COUNTRIES WITHOUT ABILITY TO PROSECUTE CRIMINALS FOR THE MANUFACTURE OR DISTRIBUTION OF FENTANYL ANALOGUES.—Section 706(2) of the Foreign Relations Authorization Act, Fiscal Year 2003 (22 U.S.C. 2291j–1(2)), as amended by paragraph (2), is further amended by inserting after subparagraph (B) the following:

''(C) designate each country, if any, identified under section 489(a)(9) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h(a)(9)) that has not taken significant steps to prosecute individuals involved in the illicit manufacture or distribution of controlled substance analogues (as defined in section 102(32) of the Controlled Substances Act (21 U.S.C. 802(32));''.

(4) LIMITATION ON ASSISTANCE FOR DESIGNATED COUNTRIES.—Section 706(3) of the Foreign Relations Authorization Act, Fiscal Year 2003 (22 U.S.C. 2291j–1(3)) is amended by striking ''also designated under paragraph (2) in the report'' and inserting ''designated in the report under paragraph (2)(A) or thrice designated during a 5-year period in the report under subparagraph (B) or (C) of paragraph (2)''.

(5) EXCEPTION TO THE LIMITATION ON ASSISTANCE.—Section 706(5) of the Foreign Relations Authorization Act, Fiscal Year 2003 (22 U.S.C. 2291j–1(5)) is amended—

(A) by redesignating subparagraph (C) as subparagraph (F);

(B) by inserting after subparagraph (B) the following:

''(C) Notwithstanding paragraph (3), assistance to promote democracy (as described in section 481(e)(4)(E) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)(4)(E))) shall be provided to countries identified in a report under paragraph (1) and designated under subparagraph (B) or (C) of paragraph (2), to the extent such countries are otherwise eligible for such assistance, regardless of whether the President reports to the appropriate congressional committees in accordance with such paragraph.

''(D) Notwithstanding paragraph (3), assistance to combat trafficking (as described in section 481(e)(4)(F) of such Act) shall be provided to countries identified in a report under paragraph (1) and designated under subparagraph (B) or (C) of paragraph (2), to the extent such countries are otherwise eligible for such assistance, regardless of whether the President reports to the appropriate congressional committees in accordance with such paragraph.

''(E) Notwithstanding paragraph (3), global health assistance (as described in section 481(e)(4)(G) of such Act) shall be provided to countries identified in a report under paragraph (1) and designated under subparagraph (B) or (C) of paragraph (2), to the extent such countries are otherwise eligible for such assistance, regardless of whether the President reports to the appropriate congressional committees in accordance with such paragraph''; and

(C) in subparagraph (F), as redesignated, by striking ''section clause (i) or (ii) of'' and inserting ''clause (i) or (ii) of section''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 90 days after the date of the enactment of this Act.

SEC. 6286. ESTABLISHMENT OF UNITED STATES-ISRAEL OPERATIONS-TECHNOLOGY WORKING GROUP.

The reference in section 1286(b)(5)(A) to the ''Minister of Defense of Israel'' is deemed to refer to the ''Secretary of State and the Minister of Defense of Israel''.

Subtitle H—United States-Israel Security Assistance

SEC. 6290. SHORT TITLE.

This subtitle may be cited as the ''United States-Israel Security Assistance Authorization Act of 2020''.

SEC. 6290A. DEFINITION.

In this subtitle, the term ''appropriate congressional committees'' means—

(1) the Committee on Foreign Relations of the Senate;

(2) the Committee on Armed Services of the Senate;

(3) the Committee on Foreign Affairs of the House of Representatives; and

(4) the Committee on Armed Services of the House of Representatives.

CHAPTER 1—SECURITY ASSISTANCE FOR ISRAEL

SEC. 6291. FINDINGS.

Congress makes the following findings:

(1) On September 14, 2016, the United States and Israel signed a 10-year Memorandum of Understanding to reaffirm the importance of continuing annual United States military assistance to Israel and cooperative missile defense programs in a way that enhances Israel's security and strengthens the bilateral relationship between the 2 countries.

(2) The 2016 Memorandum of Understanding reflects United States support of Foreign Military Financing grant assistance to Israel over a 10-year period beginning in fiscal year 2019 and ending in fiscal year 2028.

(3) The 2016 Memorandum of Understanding also reflects United States support for funding for cooperative programs to develop, produce, and procure missile, rocket, and projectile defense capabilities during such 10-year period at an average funding level of $500,000,000 per year, totaling $5,000,000,000 for such period.

SEC. 6292. STATEMENT OF POLICY.

It is the policy of the United States to provide assistance to the Government of Israel for the development and acquisition of advanced capabilities that Israel requires to

meet its security needs and to enhance United States capabilities.

SEC. 6293. SECURITY ASSISTANCE FOR ISRAEL.

Section 513(c) of the Security Assistance Act of 2000 (Public Law 106–280; 114 Stat. 856) is amended—

(1) in paragraph (1), by striking ''2002 and 2003'' and inserting ''2021, 2022, 2023, 2024, 2025, 2026, 2027, and 2028'';

(2) in paragraph (2), by striking ''equal to—'' and all that follows and inserting ''not less than $3,300,000,000.''; and

(3) by amending paragraph (3) to read as follows:

''(3) DISBURSEMENT OF FUNDS.—Amounts authorized to be available for Israel under paragraph (1) and subsection (b)(1) for fiscal years 2021, 2022, 2023, 2024, 2025, 2026, 2027, and 2028 shall be disbursed not later than 30 days after the date of the enactment of an Act making appropriations for the Department of State, foreign operations, and related programs for the respective fiscal year, or October 31 of the respective fiscal year, whichever is later.''.

SEC. 6294. EXTENSION OF WAR RESERVES STOCKPILE AUTHORITY.

(a) DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2005.—Section 12001(d) of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 1011) is amended by striking ''September 30, 2020'' and inserting ''after September 30, 2025''.

(b) FOREIGN ASSISTANCE ACT OF 1961.—Section 514(b)(2)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)(A)) is amended by striking ''2013, 2014, 2015, 2016, 2017, 2018, 2019, and 2020'' and inserting ''2021, 2022, 2023, 2024, and 2025''.

SEC. 6295. EXTENSION OF LOAN GUARANTEES TO ISRAEL.

Chapter 5 of title I of the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108–11; 117 Stat. 576) is amended under the heading ''LOAN GUARANTEES TO ISRAEL''—

(1) in the matter preceding the first proviso, by striking ''September 30, 2023'' and inserting ''September 30, 2025''; and

(2) in the second proviso, by striking ''September 30, 2023'' and inserting ''September 30, 2025''.

SEC. 6296. TRANSFER OF PRECISION GUIDED MUNITIONS TO ISRAEL.

(a) IN GENERAL.—Notwithstanding section 514 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h), the President is authorized to transfer to Israel precision guided munitions from reserve stocks for Israel in such quantities as may be necessary for legitimate self-defense of Israel and is otherwise consistent with the purposes and conditions for such transfers under the Arms Export Control Act (22 U.S.C. 2751 et seq.).

(b) CERTIFICATIONS.—Except in case of emergency, as determined by the President, not later than 5 days before making a transfer under subsection (a), the President shall certify to the appropriate congressional committees that the transfer of the precision guided munitions—

(1) does not affect the ability of the United States to maintain a sufficient supply of precision guided munitions;

(2) does not harm the combat readiness of the United States or the ability of the United States to meet its commitment to allies for the transfer of such munitions;

(3) is necessary for Israel to counter the threat of rockets in a timely fashion; and

(4) is in the national security interest of the United States.

SEC. 6297. SENSE OF CONGRESS ON RAPID ACQUISITION AND DEPLOYMENT PROCEDURES.

It is the sense of Congress that the President should—

(1) prescribe procedures for the rapid acquisition and deployment of precision guided munitions for United States counterterrorism missions; or

(2) assist Israel, which is an ally of the United States, to protect itself against direct missile threats.

SEC. 6298. ELIGIBILITY OF ISRAEL FOR THE STRATEGIC TRADE AUTHORIZATION EXCEPTION TO CERTAIN EXPORT CONTROL LICENSING REQUIREMENTS.

(a) FINDINGS.—Congress finds the following:

(1) Israel has adopted high standards in the field of weapons export controls.

(2) Israel has declared its unilateral adherence to the Missile Technology Control Regime, the Australia Group, and the Nuclear Suppliers Group.

(3) Israel is a party to—

(A) the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva June 17, 1925 (commonly known as the ''Geneva Protocol'');

(B) the Convention on the Physical Protection of Nuclear Material, signed at Vienna and New York March 3, 1980; and

(C) the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which may be Deemed to be Excessively Injurious or to Have Indiscriminate Effects, signed at Geneva October 10, 1980.

(4) Section 6(b) of the United States-Israel Strategic Partnership Act of 2014 (22 U.S.C. 8603 note) directs the President, consistent with the commitments of the United States under international agreements, to take steps so that Israel may be included in the list of countries eligible for the strategic trade authorization exception under section 740.20(c)(1) of title 15, Code of Federal Regulations, to the requirement for a license for the export, re-export, or in-country transfer of an item subject to controls under the Export Administration Regulations.

(b) BRIEFING ON ELIGIBILITY FOR STRATEGIC TRADE AUTHORIZATION EXCEPTION.—Not later than 120 days after the date of the enactment of this Act, the President shall brief the appropriate congressional committees by describing the steps taken to include Israel in the list of countries eligible for the strategic trade authorization exception under section 740.20(c)(1) of title 15, Code of Federal Regulations, as required under section 6(b) of the United States-Israel Strategic Partnership Act of 2014 (Public Law 113–296).

CHAPTER 2—ENHANCED UNITED STATES-ISRAEL COOPERATION

SEC. 6299. UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT MEMORANDA OF UNDERSTANDING TO ENHANCE COOPERATION WITH ISRAEL.

(a) FINDINGS.—Congress finds that the United States Agency for International Development and Israel's Agency for International Development Cooperation signed memoranda of understanding in 2012, 2017, and 2019 to coordinate the agencies' respective efforts to promote common development goals in third countries.

(b) SENSE OF CONGRESS REGARDING USAID POLICY.—It is the sense of Congress that the Department of State and the United States Agency for International Development should continue to cooperate with Israel to advance common development goals in third countries across a wide variety of sectors, including energy, agriculture, food security, democracy, human rights, governance, economic growth, trade, education, environment, global health, water, and sanitation.

(c) MEMORANDA OF UNDERSTANDING.—The Secretary of State, acting through the Administrator of the United States Agency for International Development, may enter into memoranda of understanding with Israel to advance common goals on energy, agriculture, food security, democracy, human rights, governance, economic growth, trade, education, environment, global health, water, and sanitation, with a focus on strengthening mutual ties and cooperation with nations throughout the world.

SEC. 6299A. COOPERATIVE PROJECTS AMONG THE UNITED STATES, ISRAEL, AND DEVELOPING COUNTRIES.

Section 106 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151d) is amended by striking subsections (e) and (f) and inserting the following:

''(e) There are authorized to be appropriated $2,000,000 for each of the fiscal years 2021 through 2025 to finance cooperative projects among the United States, Israel, and developing countries that identify and support local solutions to address sustainability challenges relating to water resources, agriculture, and energy storage, including—

''(1) establishing public-private partnerships;

''(2) supporting the identification, research, development testing, and scaling of innovations that focus on populations that are vulnerable to environmental and resource-scarcity crises, such as subsistence farming communities;

''(3) seed or transition-to-scale funding;

''(4) clear and appropriate branding and marking of United States funded assistance, in accordance with section 641; and

''(5) accelerating demonstrations or applications of local solutions to sustainability challenges, or the further refinement, testing, or implementation of innovations that have previously effectively addressed sustainability challenges.

''(f) Amounts appropriated pursuant to subsection (e) shall be obligated in accordance with the memoranda of understanding referred to in subsections (a) and (c) of section 6299 of the United States-Israel Security Assistance Authorization Act of 2020''.

SEC. 6299B. JOINT COOPERATIVE PROGRAM RELATED TO INNOVATION AND HIGH-TECH FOR THE MIDDLE EAST REGION.

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

(1) the United States should help foster cooperation in the Middle East region by financing and, as appropriate, cooperating in projects related to innovation and advanced technologies; and

(2) projects referred to in paragraph (1) should—

(A) contribute to development and the quality of life in the Middle East region through the application of research and advanced technology; and

(B) contribute to Arab-Israeli cooperation by establishing strong working relationships that last beyond the life of such projects.

(b) ESTABLISHMENT.—The Secretary of State, acting through the Administrator of the United States Agency for International Development, is authorized to seek to establish a program between the United States and appropriate regional partners to provide for cooperation in the Middle East region by supporting projects related to innovation and advanced technologies.

(c) PROJECT REQUIREMENTS.—Each project carried out under the program established pursuant to subsection (b)—

(1) shall include the participation of at least 1 entity from Israel and 1 entity from another regional partner; and

(2) shall be conducted in a manner that appropriately protects sensitive information, intellectual property, the national security

interests of the United States, and the national security interests of Israel.

SEC. 6299C. SENSE OF CONGRESS ON UNITED STATES-ISRAEL ECONOMIC COOPERATION.

It is the sense of Congress that—

(1) the United States-Israel economic partnership—

(A) has achieved great tangible and intangible benefits to both countries; and

(B) is a foundational component of the strong alliance;

(2) science and technology innovations present promising new frontiers for United States-Israel economic cooperation, particularly in light of widespread drought, cybersecurity attacks, and other major challenges impacting the United States; and

(3) the President should regularize and expand existing forums of economic dialogue with Israel and foster both public and private sector participation.

SEC. 6299D. COOPERATION ON DIRECTED ENERGY CAPABILITIES.

(a) AUTHORITY.—

(1) IN GENERAL.—The Secretary of Defense, with the concurrence of the Secretary of State, is authorized to carry out research, development, test, and evaluation activities, on a joint basis with Israel, to establish directed energy capabilities that address threats to the United States, deployed forces of the United States, or Israel. Any activities carried out under this paragraph shall be conducted in a manner that appropriately protects sensitive information, intellectual property, the national security interests of the United States, and the national security interests of Israel.

(2) REPORT.—The activities described in paragraph (1) may be carried out after the Secretary of Defense, with the concurrence of the Secretary of State, submits a report to the appropriate congressional committees that includes—

(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; and

(B) a certification that the memorandum of agreement referred to in subparagraph (A)—

(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—

(I) a description of what the funds have been used for and when funds were expended; and

(II) the identification of entities that expended such funds.

(b) SUPPORT IN CONNECTION WITH ACTIVITIES.—

(1) IN GENERAL.—The Secretary of Defense, with the concurrence of the Secretary of State, is authorized to provide maintenance and sustainment support to Israel for the directed energy capabilities research, development, test, and evaluation activities authorized under subsection (a)(1), including the installation of equipment that is necessary to carry out such research, development, test, and evaluation.

(2) REPORT.—The support described in paragraph (1) may not be provided until 15 days after the date on which the Secretary of Defense, with the concurrence of the Secretary of State, submits a report to the appropriate congressional committees that describes in detail the support to be provided.

(3) MATCHING CONTRIBUTION.—The support described in paragraph (1) may not be provided unless the Secretary of Defense, with the concurrence of the Secretary of State, certifies to the appropriate congressional committees that the Government of Israel will contribute to such support—

(A) an amount not less than the amount of support to be so provided; or

(B) an amount that otherwise meets the best efforts of Israel, as mutually agreed to by the United States and Israel.

(c) SEMIANNUAL REPORT.—The Secretary of Defense, with the concurrence of the Secretary of State, shall submit a semiannual report to the appropriate congressional committees that includes the most recent semiannual report provided by the Government of Israel to the United States Government.

SEC. 6299E. PLANS TO PROVIDE ISRAEL WITH NECESSARY DEFENSE ARTICLES AND SERVICES IN A CONTINGENCY.

(a) IN GENERAL.—The President shall establish and update, as appropriate, plans to provide Israel with defense articles and services that are determined by the Secretary of Defense to be necessary for the defense of Israel in a contingency.

(b) CONGRESSIONAL BRIEFING.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the President shall brief the appropriate congressional committees regarding the status of the plans required under subsection (a).

SEC. 6299F. OTHER MATTERS OF COOPERATION.

(a) IN GENERAL.—Activities authorized under this section shall be carried out with the concurrence of the Secretary of State and aligned with the National Security Strategy of the United States, the United States Government Global Health Security Strategy, the Department of State Integrated Country Strategies, the USAID Country Development Cooperation Strategies, and any equivalent or successor plans or strategies, as necessary and appropriate

(b) DEVELOPMENT OF HEALTH TECHNOLOGIES.—

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary of Health and Human Services $4,000,000 for each of the fiscal years 2021 through 2023 for a bilateral cooperative program with the Government of Israel that awards grants for the development of health technologies, including health technologies listed in paragraph (2), subject to paragraph (3), with an emphasis on collaboratively advancing the use of technology and personalized medicine in relation to COVID–19.

(2) TYPES OF HEALTH TECHNOLOGIES.—The health technologies described in this paragraph may include technologies such as sensors, drugs and vaccinations, respiratory assist devices, diagnostic tests, and telemedicine.

(3) RESTRICTIONS ON FUNDING.—Amounts appropriated pursuant to paragraph (1) are subject to a matching contribution from the Government of Israel.

(4) OPTION FOR ESTABLISHING NEW PROGRAM.—Amounts appropriated pursuant to paragraph (1) may be expended for a bilateral program with the Government of Israel that—

(A) is in existence on the day before the date of the enactment of this Act for the purposes described in paragraph (1); or

(B) is established after the date of the enactment of this Act by the Secretary of Health and Human Services, in consultation with the Secretary of State, in accordance with the Agreement between the Government of the United States of America and the Government of the State of Israel on Cooperation in Science and Technology for Homeland Security Matters, done at Jerusalem May 29, 2008 (or a successor agreement), for the purposes described in paragraph (1).

(c) COORDINATOR OF UNITED STATES–ISRAEL RESEARCH AND DEVELOPMENT.—

(1) IN GENERAL.—The President may designate the Assistant Secretary of State for the Bureau of Oceans and International Environmental and Scientific Affairs, or another appropriate Department of State official, to act as Coordinator of United States-Israel Research and Development (referred to in this subsection as the ''Coordinator'').

(2) AUTHORITIES AND DUTIES.—The Coordinator, in conjunction with the heads of relevant Federal Government departments and agencies and in coordination with the Israel Innovation Authority, may oversee civilian science and technology programs on a joint basis with Israel.

(d) OFFICE OF GLOBAL POLICY AND STRATEGY OF THE FOOD AND DRUG ADMINISTRATION.—

(1) IN GENERAL.—It is the sense of Congress that the Commissioner of the Food and Drug Administration should seek to explore collaboration with Israel through the Office of Global Policy and Strategy.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Commissioner, acting through the head of the Office of Global Policy and Strategy, shall submit a report describing the benefits to the United States and to Israel of opening an office in Israel for the Office of Global Policy and Strategy to—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on Health, Education, Labor, and Pensions of the Senate;

(C) the Committee on Foreign Affairs of the House of Representatives; and

(D) the Committee on Energy and Commerce of the House of Representatives.

(e) UNITED STATES–ISRAEL ENERGY CENTER.—There is authorized to be appropriated to the Secretary of Energy $4,000,000 for each of the fiscal years 2021 through 2023 to carry out the activities of the United States-Israel Energy Center established pursuant to section 917(d) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17337(d)).

(f) UNITED STATES–ISRAEL BINATIONAL INDUSTRIAL RESEARCH AND DEVELOPMENT FOUNDATION.—It is the sense of Congress that grants to promote covered energy projects conducted by, or in conjunction with, the United States-Israel Binational Industrial Research and Development Foundation should be funded at not less than $2,000,000 annually under section 917(b) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17337(b)).

(g) UNITED STATES–ISRAEL COOPERATION ON ENERGY, WATER, HOMELAND SECURITY, AGRICULTURE, AND ALTERNATIVE FUEL TECHNOLOGIES.—Section 7 of the United States-Israel Strategic Partnership Act of 2014 (22 U.S.C. 8606) is amended by adding at the end the following:

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $2,000,000 for each of the fiscal years 2021 through 2023.''.

(h) ANNUAL POLICY DIALOGUE.—It is the sense of Congress that the Department of Transportation and Israel's Ministry of Transportation should engage in an annual policy dialogue to implement the 2016 Memorandum of Cooperation signed by the Secretary of Transportation and the Israeli Minister of Transportation.

(i) COOPERATION ON SPACE EXPLORATION AND SCIENCE INITIATIVES.—The Administrator of the National Aeronautics and Space Administration shall continue to work with

the Israel Space Agency to identify and cooperatively pursue peaceful space exploration and science initiatives in areas of mutual interest, taking all appropriate measures to protect sensitive information, intellectual property, trade secrets, and economic interests of the United States.

(j) RESEARCH AND DEVELOPMENT COOPERATION RELATING TO DESALINATION TECHNOLOGY.—Not later than 1 year after the date of the enactment of this Act, the Director of the Office of Science and Technology Policy shall submit a report that describes research and development cooperation with international partners, such as the State of Israel, in the area of desalination technology in accordance with section 9(b)(3) of the Water Desalination Act of 1996 (42 U.S.C. 10301 note) to—

(1) the Committee on Foreign Relations of the Senate;

(2) the Committee on Energy and Natural Resources of the Senate;

(3) the Committee on Foreign Affairs of the House of Representatives; and

(4) the Committee on Natural Resources of the House of Representatives.

(k) RESEARCH AND TREATMENT OF POSTTRAUMATIC STRESS DISORDER.—It is the sense of Congress that the Secretary of Veterans Affairs should seek to explore collaboration between the Mental Illness Research, Education and Clinical Centers of Excellence and Israeli institutions with expertise in researching and treating posttraumatic stress disorder.

TITLE LXVI—STRATEGIC PROGRAMS, CYBER, AND INTELLIGENCE MATTERS

Subtitle B—Cyberspace Related Matters

SEC. 6611. REPORT ON USE OF ENCRYPTION BY DEPARTMENT OF DEFENSE NATIONAL SECURITY SYSTEMS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Congress a report detailing the mission need and efficacy of full disk encryption across Non-classified Internet Protocol Router Network (NIPRNet) and Secretary Internet Protocol Router Network (SIPRNet) endpoint computer systems. Such report shall cover matters relating to cost, mission impact, and implementation timeline.

SEC. 6612. GUIDANCE AND DIRECTION ON USE OF DIRECT HIRING PROCESSES FOR ARTIFICIAL INTELLIGENCE PROFESSIONALS AND OTHER DATA SCIENCE AND SOFTWARE DEVELOPMENT PERSONNEL.

(a) GUIDANCE REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance to the secretaries of the military departments and the heads of the defense components on improved use of the direct hiring processes for artificial intelligence professionals and other data science and software development personnel.

(b) OBJECTIVE.—The objective of the guidance issued under subsection (a) shall be to ensure that organizational leaders assume greater responsibility for the results of civilian hiring of artificial intelligence professionals and other data science and software development personnel.

(c) CONTENTS OF GUIDANCE.—At a minimum, the guidance required by subsection (a) shall—

(1) instruct human resources professionals and hiring authorities to utilize available direct hiring authorities (including excepted service authorities) for the hiring of artificial intelligence professionals and other data science and software development personnel, to the maximum extent practicable;

(2) instruct hiring authorities, when using direct hiring authorities, to prioritize utilization of panels of subject matter experts over human resources professionals to assess applicant qualifications and determine which applicants are best qualified for a position;

(3) authorize and encourage the use of ePortfolio reviews to provide insight into the previous work of applicants as a tangible demonstration of capabilities and contribute to the assessment of applicant qualifications by subject matter experts; and

(4) encourage the use of referral bonuses for recruitment and hiring of highly qualified artificial intelligence professionals and other data science and software development personnel in accordance with volume 451 of Department of Defense Instruction 1400.25.

(d) REPORT.—

(1) IN GENERAL.—Not later than one year after the date on which the guidance is issued under subsection (a), 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 guidance issued pursuant to subsection (a).

(2) CONTENTS.—At a minimum, the report submitted under paragraph (1) shall address the following:

(A) The objectives of the guidance and the manner in which the guidance seeks to achieve those objectives.

(B) The effect of the guidance on the hiring process for artificial intelligence professionals and other data science and software development personnel, including the effect on—

(i) hiring time;

(ii) the use of direct hiring authority;

(iii) the use of subject matter experts; and

(iv) the quality of new hires, as assessed by hiring managers and organizational leaders.

SEC. 6613. CYBERSECURITY STATE COORDINATOR ACT.

(a) SHORT TITLE.—This section may be cited as the ''Cybersecurity State Coordinator Act of 2020''.

(b) CYBERSECURITY STATE COORDINATOR.—

(1) IN GENERAL.—Subtitle A of title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended—

(A) in section 2202(c) (6 U.S.C. 652(c))—

(i) in paragraph (10), by striking ''and'' at the end;

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

(iii) by inserting after paragraph (10) the following:

''(11) appoint a Cybersecurity State Coordinator in each State, as described in section 2215; and''; and

(B) by adding at the end the following:

''SEC. 2215. CYBERSECURITY STATE COORDINATOR.

''(a) APPOINTMENT.—The Director shall appoint an employee of the Agency in each State, with the appropriate cybersecurity qualifications and expertise, who shall serve as the Cybersecurity State Coordinator.

''(b) DUTIES.—The duties of a Cybersecurity State Coordinator appointed under subsection (a) shall include—

''(1) building strategic relationships across Federal and, on a voluntary basis, non-Federal entities by advising on establishing governance structures to facilitate the development and maintenance of secure and resilient infrastructure;

''(2) serving as a Federal cybersecurity risk advisor and coordinating between Federal and, on a voluntary basis, non-Federal entities to support preparation, response, and remediation efforts relating to cybersecurity risks and incidents;

''(3) facilitating the sharing of cyber threat information between Federal and, on a voluntary basis, non-Federal entities to improve understanding of cybersecurity risks and situational awareness of cybersecurity incidents;

''(4) raising awareness of the financial, technical, and operational resources available from the Federal Government to non-Federal entities to increase resilience against cyber threats;

''(5) supporting training, exercises, and planning for continuity of operations to expedite recovery from cybersecurity incidents, including ransomware;

''(6) serving as a principal point of contact for non-Federal entities to engage, on a voluntary basis, with the Federal Government on preparing, managing, and responding to cybersecurity incidents;

''(7) assisting non-Federal entities in developing and coordinating vulnerability disclosure programs consistent with Federal and information security industry standards; and

''(8) performing such other duties as determined necessary by the Director to achieve the goal of managing cybersecurity risks in the United States and reducing the impact of cyber threats to non-Federal entities.

''(c) FEEDBACK.—The Director shall consult with relevant State and local officials regarding the appointment, and State and local officials and other non-Federal entities regarding the performance, of the Cybersecurity State Coordinator of a State.''.

(2) OVERSIGHT.—The Director of the Cybersecurity and Infrastructure Security Agency shall provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a briefing on the placement and efficacy of the Cybersecurity State Coordinators appointed under section 2215 of the Homeland Security Act of 2002, as added by paragraph (1)—

(A) not later than 1 year after the date of enactment of this Act; and

(B) not later than 2 years after providing the first briefing under this paragraph.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection or the amendments made by this subsection shall be construed to affect or otherwise modify the authority of Federal law enforcement agencies with respect to investigations relating to cybersecurity incidents.

(4) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by inserting after the item relating to section 2214 the following:

''Sec. 2215. Cybersecurity State Coordinator.''.

SEC. 6614. CYBERSECURITY ADVISORY COMMITTEE.

(a) SHORT TITLE.—This section may be cited as the ''Cybersecurity Advisory Committee Authorization Act of 2020''.

(b) IN GENERAL.—Subtitle A of title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.), as amended by section 6613 of this Act, is further amended by adding at the end the following:

''SEC. 2216. CYBERSECURITY ADVISORY COMMITTEE.

''(a) ESTABLISHMENT.—The Secretary shall establish within the Agency a Cybersecurity Advisory Committee (referred to in this section as the 'Advisory Committee').

''(b) DUTIES.—

''(1) IN GENERAL.—The Advisory Committee shall advise, consult with, report to, and make recommendations to the Director, as appropriate, on the development, refinement, and implementation of policies, programs, planning, and training pertaining to the cybersecurity mission of the Agency.

''(2) RECOMMENDATIONS.—

''(A) IN GENERAL.—The Advisory Committee shall develop, at the request of the

Director, recommendations for improvements to advance the cybersecurity mission of the Agency and strengthen the cybersecurity of the United States.

''(B) RECOMMENDATIONS OF SUBCOMMITTEES.—Recommendations agreed upon by subcommittees established under subsection (d) for any year shall be approved by the Advisory Committee before the Advisory Committee submits to the Director the annual report under paragraph (4) for that year.

''(3) PERIODIC REPORTS.—The Advisory Committee shall periodically submit to the Director—

''(A) reports on matters identified by the Director; and

''(B) reports on other matters identified by a majority of the members of the Advisory Committee.

''(4) ANNUAL REPORT.—

''(A) IN GENERAL.—The Advisory Committee shall submit to the Director an annual report providing information on the activities, findings, and recommendations of the Advisory Committee, including its subcommittees, for the preceding year.

''(B) PUBLICATION.—Not later than 180 days after the date on which the Director receives an annual report for a year under subparagraph (A), the Director shall publish a public version of the report describing the activities of the Advisory Committee and such related matters as would be informative to the public during that year, consistent with section 552(b) of title 5, United States Code.

''(5) FEEDBACK.—Not later than 90 days after receiving any recommendation submitted by the Advisory Committee under paragraph (2), (3), or (4), the Director shall respond in writing to the Advisory Committee with feedback on the recommendation. Such a response shall include—

''(A) with respect to any recommendation with which the Director concurs, an action plan to implement the recommendation; and

''(B) with respect to any recommendation with which the Director does not concur, a justification for why the Director does not plan to implement the recommendation.

''(6) CONGRESSIONAL NOTIFICATION.—Not less frequently than once per year after the date of enactment of this section, the Director shall provide to the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate and the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives a briefing on feedback from the Advisory Committee.

''(7) GOVERNANCE RULES.—The Director shall establish rules for the structure and governance of the Advisory Committee and all subcommittees established under subsection (d).

''(c) MEMBERSHIP.—

''(1) APPOINTMENT.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of the Cybersecurity Advisory Committee Authorization Act of 2020, the Director shall appoint the members of the Advisory Committee.

''(B) COMPOSITION.—The membership of the Advisory Committee shall consist of not more than 35 individuals.

''(C) REPRESENTATION.—

''(i) IN GENERAL.—The membership of the Advisory Committee shall—

''(I) consist of subject matter experts;

''(II) be geographically balanced; and

''(III) include representatives of State, local, and Tribal governments and of a broad range of industries, which may include the following:

''(aa) Defense.

''(bb) Education.

''(cc) Financial services and insurance.

''(dd) Healthcare.

''(ee) Manufacturing.

''(ff) Media and entertainment.

''(gg) Chemicals.

''(hh) Retail.

''(ii) Transportation.

''(jj) Energy.

''(kk) Information Technology.

''(ll) Communications.

''(mm) Other relevant fields identified by the Director.

''(ii) PROHIBITION.—Not less than 1 member nor more than 3 members may represent any 1 category under clause (i)(III).

''(iii) PUBLICATION OF MEMBERSHIP LIST.—The Advisory Committee shall publish its membership list on a publicly available website not less than once per fiscal year and shall update the membership list as changes occur.

''(2) TERM OF OFFICE.—

''(A) TERMS.—The term of each member of the Advisory Committee shall be 2 years, except that a member may continue to serve until a successor is appointed.

''(B) REMOVAL.—The Director may review the participation of a member of the Advisory Committee and remove such member any time at the discretion of the Director.

''(C) REAPPOINTMENT.—A member of the Advisory Committee may be reappointed for an unlimited number of terms.

''(3) PROHIBITION ON COMPENSATION.—The members of the Advisory Committee may not receive pay or benefits from the United States Government by reason of their service on the Advisory Committee.

''(4) MEETINGS.—

''(A) IN GENERAL.—The Director shall require the Advisory Committee to meet not less frequently than semiannually, and may convene additional meetings as necessary.

''(B) PUBLIC MEETINGS.—At least one of the meetings referred to in subparagraph (A) shall be open to the public.

''(C) ATTENDANCE.—The Advisory Committee shall maintain a record of the persons present at each meeting.

''(5) MEMBER ACCESS TO CLASSIFIED INFORMATION.—

''(A) IN GENERAL.—Not later than 60 days after the date on which a member is first appointed to the Advisory Committee and before the member is granted access to any classified information, the Director shall determine, for the purposes of the Advisory Committee, if the member should be restricted from reviewing, discussing, or possessing classified information.

''(B) ACCESS.—Access to classified materials shall be managed in accordance with Executive Order No. 13526 of December 29, 2009 (75 Fed. Reg. 707), or any subsequent corresponding Executive Order.

''(C) PROTECTIONS.—A member of the Advisory Committee shall protect all classified information in accordance with the applicable requirements for the particular level of classification of such information.

''(D) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to affect the security clearance of a member of the Advisory Committee or the authority of a Federal agency to provide a member of the Advisory Committee access to classified information.

''(6) CHAIRPERSON.—The Advisory Committee shall select, from among the members of the Advisory Committee—

''(A) a member to serve as chairperson of the Advisory Committee; and

''(B) a member to serve as chairperson of each subcommittee of the Advisory Committee established under subsection (d).

''(d) SUBCOMMITTEES.—

''(1) IN GENERAL.—The Director shall establish subcommittees within the Advisory Committee to address cybersecurity issues, which may include the following:

''(A) Information exchange.

''(B) Critical infrastructure.

''(C) Risk management.

''(D) Public and private partnerships.

''(2) MEETINGS AND REPORTING.—Each subcommittee shall meet not less frequently than semiannually, and submit to the Advisory Committee for inclusion in the annual report required under subsection (b)(4) information, including activities, findings, and recommendations, regarding subject matter considered by the subcommittee.

''(3) SUBJECT MATTER EXPERTS.—The chair of the Advisory Committee shall appoint members to subcommittees and shall ensure that each member appointed to a subcommittee has subject matter expertise relevant to the subject matter of the subcommittee.''.

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135), as so amended, is further amended by inserting after the item relating to section 2215 the following:

''Sec. 2216. Cybersecurity Advisory Committee.''.

SEC. 6615. CYBERSECURITY EDUCATION AND TRAINING ASSISTANCE PROGRAM.

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

(1) the United States continues to face critical shortages in the national cybersecurity workforce;

(2) the Cybersecurity and Infrastructure Security Agency within the Department of Homeland Security has the responsibility to manage cyber and physical risks to our critical infrastructure, including by ensuring a national workforce supply to support cybersecurity through education, training, and capacity development efforts;

(3) to reestablish the technology leadership, security, and economic competitiveness of the United States, the Cybersecurity and Infrastructure Security Agency should create a sustainable pipeline by strengthening K-12 cybersecurity outreach and education nationwide.

(b) AUTHORITIES.—Section 2202(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 652(e)(1)) is amended by adding at the end the following:

''(R) To encourage and build cybersecurity awareness and competency across the United States and to develop, attract, and retain the cybersecurity workforce necessary for the cybersecurity related missions of the Department, including by—

''(i) overseeing K-12 cybersecurity education and awareness related programs at the agency;

''(ii) leading efforts to develop, attract, and retain the cybersecurity workforce necessary for the cybersecurity related missions of the Department;

''(iii) encouraging and building cybersecurity awareness and competency across the United States; and

''(iv) carrying out cybersecurity related workforce development activities, including through—

''(I) increasing the pipeline of future cybersecurity professionals through programs focused on K-12, higher education, and non-traditional students; and

''(II) building awareness of and competency in cybersecurity across the civilian Federal government workforce.''.

(c) EDUCATION, TRAINING, AND CAPACITY DEVELOPMENT.—Section 2202(c) of the Homeland Security Act of 2002 (6 U.S.C. 652(c)) is amended—

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

(2) in paragraph (10), by striking ''and'' at the end; and

(3) by inserting after paragraph (10) the following:

''(11) provide education, training, and capacity development for Federal and non-Federal entities to enhance the security and resiliency of domestic and global cybersecurity and infrastructure security; and''.

(d) ESTABLISHMENT OF TRAINING PROGRAMS.—Subtitle A of title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.), as amended by section 6614 of this Act, is further amended by adding at the end the following:

''SEC. 2217. CYBERSECURITY EDUCATION AND TRAINING PROGRAMS.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Cybersecurity Education and Training Assistance Program (referred to in this section as 'CETAP') is established within the Agency.

''(2) PURPOSE.—The purpose of CETAP shall be to support the effort of the Agency in building and strengthening a national cybersecurity workforce pipeline capacity through enabling K-12 cybersecurity education, including by—

''(A) providing foundational cybersecurity awareness and literacy;

''(B) encouraging cybersecurity career exploration; and

''(C) supporting the teaching of cybersecurity skills at the K-12 levels.

''(b) REQUIREMENTS.—In carrying out CETAP, the Director shall—

''(1) ensure that the program—

''(A) creates and disseminates K-12 cybersecurity-focused curricula and career awareness materials;

''(B) conducts professional development sessions for teachers;

''(C) develops resources for the teaching of K-12 cybersecurity-focused curricula;

''(D) provides direct student engagement opportunities through camps and other programming;

''(E) engages with local and State education authorities to promote awareness of the program and ensure that offerings align with State and local standards;

''(F) integrates with existing post-secondary education and workforce development programs at the Department;

''(G) establishes and maintains national standards for K-12 cyber education;

''(H) partners with cybersecurity and education stakeholder groups to expand outreach; and

''(I) any other activity the Director determines necessary to meet the purpose described in subsection (a)(2); and

''(2) enable the deployment of CETAP nationwide, with special consideration for underserved populations or communities.

''(c) BRIEFINGS.—

''(1) IN GENERAL.—Not later than 1 year after the establishment of CETAP, and annually thereafter, the Secretary shall brief the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives on the program.

''(2) CONTENTS.—Each briefing conducted under paragraph (1) shall include—

''(A) estimated figures on the number of students reached and teachers engaged;

''(B) information on community outreach and State engagement efforts;

''(C) information on new curricula offerings and teacher training platforms; and

''(D) information on coordination with post-secondary education and workforce development programs at the Department.

''(d) MISSION PROMOTION.—The Director may use appropriated amounts to purchase promotional and recognition items and marketing and advertising services to publicize and promote the mission and services of the Agency, support the activities of the Agency, and to recruit and retain Agency personnel.''.

(e) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135), as so amended, is further amended by inserting after the item relating to section 2216 the following:

''Sec. 2217. Cybersecurity Education and Training Programs.''.

Subtitle C—Nuclear Forces

SEC. 6651. REPORT ON ELECTROMAGNETIC PULSE HARDENING OF GROUND-BASED STRATEGIC DETERRENT WEAPONS SYSTEM.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report on establishing requirements and protocols to ensure that the ground-based strategic deterrent weapons system is hardened against electromagnetic pulses.

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

(1) The testing protocols the ground-based strategic deterrent program will use for electromagnetic pulse testing.

(2) How requirements for electromagnetic pulse hardness will be integrated into the ground-based strategic deterrent program.

(3) Plans for electromagnetic pulse verification tests of the ground-based strategic deterrent weapons system.

(4) Plans for electromagnetic pulse testing of nonmissile components of the ground-based strategic deterrent weapons system.

(5) Plans to sustain electromagnetic pulse qualification of the ground-based strategic deterrent weapons system.

TITLE LXVII—NUCLEAR ENERGY LEADERSHIP

SEC. 6701. ADVANCED NUCLEAR REACTOR RESEARCH AND DEVELOPMENT GOALS.

(a) IN GENERAL.—Subtitle E of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16271 et seq.) is amended by adding at the end the following:

''SEC. 959A. ADVANCED NUCLEAR REACTOR RESEARCH AND DEVELOPMENT GOALS.

''(a) DEFINITIONS.—In this section:

''(1) ADVANCED NUCLEAR REACTOR.—The term 'advanced nuclear reactor' means—

''(A) a nuclear fission reactor, including a prototype plant (as defined in sections 50.2 and 52.1 of title 10, Code of Federal Regulations (or successor regulations)), with significant improvements compared to the most recent generation of fission reactors, including improvements such as—

''(i) additional inherent safety features;

''(ii) lower waste yields;

''(iii) improved fuel performance;

''(iv) increased tolerance to loss of fuel cooling;

''(v) enhanced reliability;

''(vi) increased proliferation resistance;

''(vii) increased thermal efficiency;

''(viii) reduced consumption of cooling water;

''(ix) the ability to integrate into electric applications and nonelectric applications;

''(x) modular sizes to allow for deployment that corresponds with the demand for electricity; or

''(xi) operational flexibility to respond to changes in demand for electricity and to complement integration with intermittent renewable energy; and

''(B) a fusion reactor.

''(2) DEMONSTRATION PROJECT.—The term 'demonstration project' means an advanced nuclear reactor operated in any manner, including as part of the power generation facilities of an electric utility system, for the purpose of demonstrating the suitability for commercial application of the advanced nuclear reactor.

''(b) PURPOSE.—The purpose of this section is to direct the Secretary, as soon as practicable after the date of enactment of this section, to advance the research and development of domestic advanced, affordable, and clean nuclear energy by—

''(1) demonstrating different advanced nuclear reactor technologies that could be used by the private sector to produce—

''(A) emission-free power at a levelized cost of electricity of $60 per megawatt-hour or less;

''(B) heat for community heating, industrial purposes, or synthetic fuel production;

''(C) remote or off-grid energy supply; or

''(D) backup or mission-critical power supplies;

''(2) developing subgoals for nuclear energy research programs that would accomplish the goals of the demonstration projects carried out under subsection (c);

''(3) identifying research areas that the private sector is unable or unwilling to undertake due to the cost of, or risks associated with, the research; and

''(4) facilitating the access of the private sector—

''(A) to Federal research facilities and personnel; and

''(B) to the results of research relating to civil nuclear technology funded by the Federal Government.

''(c) DEMONSTRATION PROJECTS.—

''(1) IN GENERAL.—The Secretary shall, to the maximum extent practicable—

''(A) enter into agreements to complete not fewer than 2 demonstration projects by not later than December 31, 2025; and

''(B) establish a program to enter into agreements to complete 1 additional operational demonstration project by not later than December 31, 2035.

''(2) REQUIREMENTS.—In carrying out demonstration projects under paragraph (1), the Secretary shall—

''(A) include diversity in designs for the advanced nuclear reactors demonstrated under this section, including designs using various—

''(i) primary coolants;

''(ii) fuel types and compositions; and

''(iii) neutron spectra;

''(B) seek to ensure that—

''(i) the long-term cost of electricity or heat for each design to be demonstrated under this subsection is cost-competitive in the applicable market;

''(ii) the selected projects can meet the deadline established in paragraph (1) to demonstrate first-of-a-kind advanced nuclear reactor technologies, for which additional information shall be considered, including—

''(I) the technology readiness level of a proposed advanced nuclear reactor technology;

''(II) the technical abilities and qualifications of teams desiring to demonstrate a proposed advanced nuclear reactor technology; and

''(III) the capacity to meet cost-share requirements of the Department;

''(C) ensure that each evaluation of candidate technologies for the demonstration projects is completed through an external review of proposed designs, which review shall—

''(i) be conducted by a panel that includes not fewer than 1 representative of each of—

''(I) an electric utility; and

''(II) an entity that uses high-temperature process heat for manufacturing or industrial processing, such as a petrochemical company, a manufacturer of metals, or a manufacturer of concrete;

''(ii) include a review of cost-competitiveness and other value streams, together with the technology readiness level, of each design to be demonstrated under this subsection; and

''(iii) not be required for a demonstration project that receives no financial assistance from the Department for construction costs;

''(D) for federally funded demonstration projects, enter into cost-sharing agreements with private sector partners in accordance with section 988 for the conduct of activities relating to the research, development, and demonstration of private-sector advanced nuclear reactor designs under the program;

''(E) work with private sector partners to identify potential sites, including Department-owned sites, for demonstrations, as appropriate;

''(F) align specific activities carried out under demonstration projects carried out under this subsection with priorities identified through direct consultations between—

''(i) the Department;

''(ii) National Laboratories;

''(iii) institutions of higher education;

''(iv) traditional end-users (such as electric utilities);

''(v) potential end-users of new technologies (such as users of high-temperature process heat for manufacturing processing, including petrochemical companies, manufacturers of metals, or manufacturers of concrete); and

''(vi) developers of advanced nuclear reactor technology; and

''(G) seek to ensure that the demonstration projects carried out under paragraph (1) do not cause any delay in a deployment of an advanced reactor by private industry and the Department that is underway as of the date of enactment of this section.

''(3) ADDITIONAL REQUIREMENTS.—In carrying out demonstration projects under paragraph (1), the Secretary shall—

''(A) identify candidate technologies that—

''(i) are not developed sufficiently for demonstration within the initial required timeframe described in paragraph (1)(A); but

''(ii) could be demonstrated within the timeframe described in paragraph (1)(B);

''(B) identify technical challenges to the candidate technologies identified in subparagraph (A);

''(C) support near-term research and development to address the highest-risk technical challenges to the successful demonstration of a selected advanced reactor technology, in accordance with—

''(i) subparagraph (B); and

''(ii) the research and development activities under sections 952 and 958;

''(D) establish such technology advisory working groups as the Secretary determines to be appropriate to advise the Secretary regarding the technical challenges identified under subparagraph (B) and the scope of research and development programs to address the challenges, in accordance with subparagraph (C), to be comprised of—

''(i) private-sector advanced nuclear reactor technology developers;

''(ii) technical experts with respect to the relevant technologies at institutions of higher education; and

''(iii) technical experts at the National Laboratories.

''(d) GOALS.—

''(1) IN GENERAL.—The Secretary shall establish goals for research relating to advanced nuclear reactors facilitated by the Department that support the objectives of the program for demonstration projects established under subsection (c).

''(2) COORDINATION.—In developing the goals under paragraph (1), the Secretary shall coordinate, on an ongoing basis, with members of private industry to advance the demonstration of various designs of advanced nuclear reactors.

''(3) REQUIREMENTS.—In developing the goals under paragraph (1), the Secretary shall ensure that—

''(A) research activities facilitated by the Department to meet the goals developed under this subsection are focused on key areas of nuclear research and deployment ranging from basic science to full-design development, safety evaluation, and licensing;

''(B) research programs designed to meet the goals emphasize—

''(i) resolving materials challenges relating to extreme environments, including extremely high levels of—

''(I) radiation fluence;

''(II) temperature;

''(III) pressure; and

''(IV) corrosion; and

''(ii) qualification of advanced fuels;

''(C) activities are carried out that address near-term challenges in modeling and simulation to enable accelerated design and licensing;

''(D) related technologies, such as technologies to manage, reduce, or reuse nuclear waste, are developed;

''(E) nuclear research infrastructure is maintained or constructed, such as—

''(i) currently operational research reactors at the National Laboratories and institutions of higher education;

''(ii) hot cell research facilities;

''(iii) a versatile fast neutron source; and

''(iv) a molten salt testing facility;

''(F) basic knowledge of non-light water coolant physics and chemistry is improved;

''(G) advanced sensors and control systems are developed; and

''(H) advanced manufacturing and advanced construction techniques and materials are investigated to reduce the cost of advanced nuclear reactors.''.

(b) TABLE OF CONTENTS.—The table of contents of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 594; 132 Stat. 3160) is amended—

(1) in the item relating to section 917, by striking ''Efficiency'';

(2) in the items relating to each of sections 957, 958, and 959 by inserting ''Sec.'' before the item number; and

(3) by inserting after the item relating to section 959 the following:

''Sec. 959A. Advanced nuclear reactor research and development goals.''.

SEC. 6702. NUCLEAR ENERGY STRATEGIC PLAN.

(a) IN GENERAL.—Subtitle E of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16271 et seq.) (as amended by section 6701(a)) is amended by adding at the end the following:

''SEC. 959B. NUCLEAR ENERGY STRATEGIC PLAN.

''(a) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committees on Energy and Commerce and Science, Space, and Technology of the House of Representatives a 10-year strategic plan for the Office of Nuclear Energy of the Department, in accordance with this section.

''(b) REQUIREMENTS.—

''(1) COMPONENTS.—The strategic plan under this section shall designate—

''(A) programs that support the planned accomplishment of—

''(i) the goals established under section 959A; and

''(ii) the demonstration programs identified under subsection (c) of that section; and

''(B) programs that—

''(i) do not support the planned accomplishment of demonstration programs, or the goals, referred to in subparagraph (A); but

''(ii) are important to the mission of the Office of Nuclear Energy, as determined by the Secretary.

''(2) PROGRAM PLANNING.—In developing the strategic plan under this section, the Secretary shall specify expected timelines for, as applicable—

''(A) the accomplishment of relevant objectives under current programs of the Department; or

''(B) the commencement of new programs to accomplish those objectives.

''(c) UPDATES.—Not less frequently than once every 2 years, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committees on Energy and Commerce and Science, Space, and Technology of the House of Representatives an updated 10-year strategic plan in accordance with subsection (b), which shall identify, and provide a justification for, any major deviation from a previous strategic plan submitted under this section.''.

(b) TABLE OF CONTENTS.—The table of contents of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 594; 132 Stat. 3160) (as amended by section 6701(b)(3)) is amended by inserting after the item relating to section 959A the following:

''Sec. 959B. Nuclear energy strategic plan.''.

SEC. 6703. VERSATILE, REACTOR-BASED FAST NEUTRON SOURCE.

Section 955(c)(1) of the Energy Policy Act of 2005 (42 U.S.C. 16275(c)(1)) is amended—

(1) in the paragraph heading, by striking ''MISSION NEED'' and inserting ''AUTHORIZATION''; and

(2) in subparagraph (A), by striking ''determine the mission need'' and inserting ''provide''.

SEC. 6704. ADVANCED NUCLEAR FUEL SECURITY PROGRAM.

(a) IN GENERAL.—Subtitle E of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16271 et seq.) (as amended by section 6702(a)) is amended by adding at the end the following:

''SEC. 960. ADVANCED NUCLEAR FUEL SECURITY PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) HALEU TRANSPORTATION PACKAGE.—The term 'HALEU transportation package' means a transportation package that is suitable for transporting high-assay, low-enriched uranium.

''(2) HIGH-ASSAY, LOW-ENRICHED URANIUM.—The term 'high-assay, low-enriched uranium' means uranium with an assay greater than 5 weight percent, but less than 20 weight percent, of the uranium-235 isotope.

''(3) HIGH-ENRICHED URANIUM.—The term 'high-enriched uranium' means uranium with an assay of 20 weight percent or more of the uranium-235 isotope.

''(b) HIGH-ASSAY, LOW-ENRICHED URANIUM PROGRAM FOR ADVANCED REACTORS.—

''(1) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this section, the Secretary shall establish a program to make available high-assay, low-enriched uranium, through contracts for sale, resale, transfer, or lease, for use in commercial or noncommercial advanced nuclear reactors.

''(2) NUCLEAR FUEL OWNERSHIP.—Each lease under this subsection shall include a provision establishing that the high-assay, low-enriched uranium that is the subject of the lease shall remain the property of the Department, including with respect to responsibility for the storage, use, or final disposition of all radioactive waste created by the irradiation, processing, or purification of any leased high-assay, low-enriched uranium.

''(3) QUANTITY.—In carrying out the program under this subsection, the Secretary shall make available—

''(A) by December 31, 2022, high-assay, low-enriched uranium containing not less than 2 metric tons of the uranium-235 isotope; and

''(B) by December 31, 2025, high-assay, low-enriched uranium containing not less than 10

metric tons of the uranium-235 isotope (as determined including the quantities of the uranium-235 isotope made available before December 31, 2022).

''(4) FACTORS FOR CONSIDERATION.—In carrying out the program under this subsection, the Secretary shall take into consideration—

''(A) options for providing the high-assay, low-enriched uranium under this subsection from a stockpile of uranium owned by the Department (including the National Nuclear Security Administration), including—

''(i) fuel that—

''(I) directly meets the needs of an end-user; but

''(II) has been previously used or fabricated for another purpose;

''(ii) fuel that can meet the needs of an end-user after removing radioactive or other contaminants that resulted from a previous use or fabrication of the fuel for research, development, demonstration, or deployment activities of the Department (including activities of the National Nuclear Security Administration); and

''(iii) fuel from a high-enriched uranium stockpile, which can be blended with lower-assay uranium to become high-assay, low-enriched uranium to meet the needs of an end-user; and

''(B) requirements to support molybdenum-99 production under the American Medical Isotopes Production Act of 2012 (Public Law 112–239; 126 Stat. 2211).

''(5) LIMITATIONS.—

''(A) FINAL DISPOSITION OF RADIOACTIVE WASTE.—The Secretary shall not barter or otherwise sell or transfer uranium in any form in exchange for services relating to the final disposition of radioactive waste from uranium that is the subject of a lease under this subsection.

''(B) NATIONAL SECURITY NEEDS.—The Secretary shall only make available from Department stockpiles under this subsection high-assay, low-enriched uranium that is not needed for national security.

''(6) SUNSET.—The program under this subsection shall terminate on the earlier of—

''(A) January 1, 2035; and

''(B) the date on which uranium enriched up to, but not equal to, 20 weight percent can be obtained in the commercial market from domestic suppliers.

''(c) REPORT.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary shall submit to the appropriate committees of Congress a report that describes actions proposed to be carried out by the Secretary—

''(A) under the program under subsection (b); or

''(B) otherwise to enable the commercial use of high-assay, low-enriched uranium.

''(2) COORDINATION AND STAKEHOLDER INPUT.—In developing the report under this subsection, the Secretary shall seek input from—

''(A) the Nuclear Regulatory Commission;

''(B) the National Laboratories;

''(C) institutions of higher education;

''(D) producers of medical isotopes;

''(E) a diverse group of entities operating in the nuclear energy industry; and

''(F) a diverse group of technology developers.

''(3) COST AND SCHEDULE ESTIMATES.—The report under this subsection shall include estimated costs, budgets, and timeframes for enabling the use of high-assay, low-enriched uranium.

''(4) REQUIRED EVALUATIONS.—The report under this subsection shall evaluate—

''(A) the costs and actions required to establish and carry out the program under subsection (b), including with respect to—

''(i) proposed preliminary terms for the sale, resale, transfer, and leasing of high-assay, low-enriched uranium (including guidelines defining the roles and responsibilities between the Department and the purchaser, transfer recipient, or lessee); and

''(ii) the potential to coordinate with purchasers, transfer recipients, and lessees regarding—

''(I) fuel fabrication; and

''(II) fuel transport;

''(B) the potential sources and fuel forms available to provide uranium for the program under subsection (b);

''(C) options to coordinate the program under subsection (b) with the operation of the versatile reactor-based fast neutron source under section 955(c)(1);

''(D) the ability of the domestic uranium market to provide materials for advanced nuclear reactor fuel; and

''(E) any associated legal, regulatory, and policy issues that should be addressed to enable—

''(i) the program under subsection (b); and

''(ii) the establishment of a domestic industry capable of providing high-assay, low-enriched uranium for commercial and non-commercial purposes, including with respect to the needs of—

''(I) the Department;

''(II) the Department of Defense; and

''(III) the National Nuclear Security Administration.

''(d) HALEU TRANSPORTATION PACKAGE RESEARCH PROGRAM.—

''(1) IN GENERAL.—As soon as practicable after the date of enactment of this section, the Secretary shall establish a research, development, and demonstration program under which the Secretary shall provide financial assistance, on a competitive basis, to establish the capability to transport high-assay, low-enriched uranium.

''(2) REQUIREMENT.—The focus of the program under this subsection shall be to establish 1 or more HALEU transportation packages that can be certified by the Nuclear Regulatory Commission to transport high-assay, low-enriched uranium to the various facilities involved in producing or using nuclear fuel containing high-assay, low-enriched uranium, such as—

''(A) enrichment facilities;

''(B) fuel processing facilities;

''(C) fuel fabrication facilities; and

''(D) nuclear reactors.''.

(b) CLERICAL AMENDMENT.—The table of contents of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 594; 132 Stat. 3160) (as amended by section 6702(b)) is amended by inserting after the item relating to section 959B the following:

''Sec. 960. Advanced nuclear fuel security program.''.

SEC. 6705. UNIVERSITY NUCLEAR LEADERSHIP PROGRAM.

Section 313 of the Energy and Water Development and Related Agencies Appropriations Act, 2009 (42 U.S.C. 16274a) is amended to read as follows:

''SEC. 313. UNIVERSITY NUCLEAR LEADERSHIP PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) ADVANCED NUCLEAR REACTOR.—The term 'advanced nuclear reactor' means—

''(A) a nuclear fission reactor, including a prototype plant (as defined in sections 50.2 and 52.1 of title 10, Code of Federal Regulations (or successor regulations)), with significant improvements compared to the most recent generation of fission reactors, including improvements such as—

''(i) additional inherent safety features;

''(ii) lower waste yields;

''(iii) improved fuel performance;

''(iv) increased tolerance to loss of fuel cooling;

''(v) enhanced reliability;

''(vi) increased proliferation resistance;

''(vii) increased thermal efficiency;

''(viii) reduced consumption of cooling water;

''(ix) the ability to integrate into electric applications and nonelectric applications;

''(x) modular sizes to allow for deployment that corresponds with the demand for electricity; or

''(xi) operational flexibility to respond to changes in demand for electricity and to complement integration with intermittent renewable energy; and

''(B) a fusion reactor.

''(2) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

''(3) PROGRAM.—The term 'Program' means the University Nuclear Leadership Program established under subsection (b).

''(b) ESTABLISHMENT.—The Secretary of Energy, the Administrator of the National Nuclear Security Administration, and the Chairman of the Nuclear Regulatory Commission shall jointly establish a program, to be known as the 'University Nuclear Leadership Program'.

''(c) USE OF FUNDS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), amounts made available to carry out the Program shall be used to provide financial assistance for scholarships, fellowships, and research and development projects at institutions of higher education in areas relevant to the programmatic mission of the applicable Federal agency, with an emphasis on providing the financial assistance with respect to research, development, demonstration, and deployment activities for technologies relevant to advanced nuclear reactors, including relevant fuel cycle technologies.

''(2) EXCEPTION.—Notwithstanding paragraph (1), amounts made available to carry out the Program may be used to provide financial assistance for a scholarship, fellowship, or multiyear research and development project that does not align directly with a programmatic mission of the applicable Federal agency providing the financial assistance, if the activity for which assistance is provided would facilitate the maintenance of the discipline of nuclear science or engineering.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the Program for fiscal year 2021 and each fiscal year thereafter—

''(1) $30,000,000 to the Secretary of Energy; and

''(2) $15,000,000 to the Nuclear Regulatory Commission.''.

SEC. 6706. ADJUSTING STRATEGIC PETROLEUM RESERVE MANDATED DRAWDOWNS.

(a) BIPARTISAN BUDGET ACT OF 2015.—Section 403(a) of the Bipartisan Budget Act of 2015 (42 U.S.C. 6241 note; Public Law 114–74) is amended—

(1) by striking paragraph (6);

(2) by redesignating paragraphs (7) and (8) as paragraphs (6) and (7), respectively; and

(3) in paragraph (7) (as so redesignated), by striking ''10,000,000'' and inserting ''20,000,000''.

(b) FIXING AMERICA'S SURFACE TRANSPORTATION ACT.—Section 32204(a)(1) of the FAST Act (42 U.S.C. 6241 note; Public Law 114–94) is amended—

(1) in subparagraph (B)—

(A) by striking ''16,000,000'' and inserting ''11,000,000''; and

(B) by striking ''2023'' and inserting ''2022''; and

(2) in subparagraph (C), by striking ''25,000,000'' and inserting ''30,000,000''.

(c) AMERICA'S WATER INFRASTRUCTURE ACT OF 2018.—Section 3009(a)(1) of America's Water Infrastructure Act of 2018 (42 U.S.C. 6241 note; Public Law 115–270) is amended by striking ''2028'' and inserting ''2030.''

(d) BIPARTISAN BUDGET ACT OF 2018.—Section 30204(a)(1) of the Bipartisan Budget Act of 2018 (42 U.S.C. 6241 note; Public Law 115–123) is amended by striking subparagraphs (A) through (C) and inserting the following:

''(A) 7,500,000 barrels of crude oil during fiscal year 2022;

''(B) 7,500,000 barrels of crude oil during fiscal year 2024;

''(C) 15,000,000 barrels of crude oil during fiscal year 2025;

''(D) 30,000,000 barrels of crude oil during fiscal year 2029; and

''(E) 40,000,000 barrels of crude oil during fiscal year 2030.''.

(e) RECONCILIATION ON THE BUDGET FOR 2018.—Section 20003(a)(1) of Public Law 115–97 (42 U.S.C. 6241 note) is amended by striking ''the period of fiscal years 2026 through 2027'' and inserting ''fiscal year 2030''.

TITLE LXXVIII—MILITARY CONSTRUCTION AND GENERAL PROVISIONS

Subtitle A—Military Construction Program

SEC. 7801. MODIFICATION TO AUTHORITY FOR MILITARY CONSTRUCTION PROJECTS FOR CHILD DEVELOPMENT CENTERS AT MILITARY INSTALLATIONS.

Section 2809(b) of the National Defense Authorization Act for Fiscal Year 2020 is amended—

(1) in paragraph (1), by inserting ''and annually thereafter,'' after ''this Act,''; and

(2) in paragraph (2)—

(A) in subparagraph (A), by striking ''the report'' and inserting ''a report''; and

(B) in subparagraph (B), by inserting ''in which the project is included'' before the period at the end.

SEC. 7802. MODIFICATION OF CONSTRUCTION OF GROUND-BASED STRATEGIC DETERRENT LAUNCH FACILITIES AND LAUNCH CENTERS FOR THE AIR FORCE.

Subsection (e) of section 2802 is deemed to read as follows:

''(e) FUNDING.—

''(1) IN GENERAL.—Of the amount authorized to be appropriated for fiscal year 2021 as specified in the funding table in section 4601, the Secretary of the Air Force may expend not more than $15,000,000 for the purposes of planning and design to support the projects described in subsection (a).

''(2) INCREASE.—The amount authorized to be appropriated for fiscal year 2021 for military construction for the Air Force is hereby increased by $15,000,000, with the amount of the increase to be designated to Air Force, Unspecified Worldwide Locations, Planning and Design.

''(3) OFFSET.—The amount authorized to be appropriated for fiscal year 2021 for operation and maintenance for the Army is hereby reduced by $15,000,000, with the amount of the reduction to be derived from subactivity group 421, Servicewide Transportation.''.

Subtitle B—Military Family Housing

SEC. 7821. INCLUSION OF ASSESSMENT OF PERFORMANCE METRICS IN ANNUAL PUBLICATION ON USE OF INCENTIVE FEES FOR PRIVATIZED MILITARY HOUSING PROJECTS.

(a) IN GENERAL.—Section 2891c of title 10, United States Code, is amended—

(1) by striking the section heading and inserting the following: ''**Transparency regarding finances and performance metrics**'';

(2) in subsection (b)—

(A) in the subsection heading, by inserting ''PERFORMANCE METRICS AND'' before ''USE OF INCENTIVE FEES'';

(B) in paragraph (1), by striking ''publicly accessible website, information'' and inserting ''publicly accessible website—

''(A) for each contract for the provision or management of housing units—

''(i) an assessment of indicators underlying the performance metrics under such contract to ensure such indicators adequately measure the condition and quality of the home or homes covered by the contract, including—

''(I) resident satisfaction;

''(II) maintenance management;

''(III) project safety; and

''(IV) financial management; and

''(ii) a detailed description of each indicator assessed under subparagraph (A), including an indication of—

''(I) the limitations of available survey data;

''(II) how resident satisfaction and maintenance management is calculated; and

''(III) whether data is missing; and

''(B) information''; and

(C) in paragraph (2), by striking ''paragraph (1)'' and inserting ''paragraph (1)(B)''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter V of chapter 169 of such title is amended by striking the item relating to section 2891c and inserting the following new item:

''2891c. Transparency regarding finances and performance metrics.''.

Subtitle D—Land Conveyances

SEC. 7861. ESTABLISHMENT OF INTERAGENCY COMMITTEES ON JOINT USE OF CERTAIN LAND WITHDRAWN FROM APPROPRIATION UNDER PUBLIC LAND LAWS.

(a) INTERAGENCY EXECUTIVE COMMITTEE ON JOINT USE BY DEPARTMENT OF THE NAVY AND DEPARTMENT OF THE INTERIOR OF NAVAL AIR STATION FALLON RANGES.—Section 3011(a) of the Military Lands Withdrawal Act of 1999 (Public Law 106–65; 113 Stat. 885) is amended by adding at the end the following new paragraph:

''(5) INTERGOVERNMENTAL EXECUTIVE COMMITTEE.—

''(A) ESTABLISHMENT.—The Secretary of the Navy and the Secretary of the Interior shall jointly establish, by memorandum of understanding, an intergovernmental executive committee (referred to in this paragraph as the 'executive committee'), for the purpose of exchanging views, information, and advice relating to the management of the natural and cultural resources of the land described in paragraph (2).

''(B) MEMORANDUM OF UNDERSTANDING.—The memorandum of understanding entered into under subparagraph (A) shall include—

''(i) a description of the officials and other individuals to be invited to participate as members in the executive committee under subparagraph (C);

''(ii) a description of the duties of the Chairperson and Vice Chairperson of the executive committee; and

''(iii) subject to subparagraphs (D) and (E), a procedure for—

''(I) creating a forum to carry out the purpose described in subparagraph (A);

''(II) rotating the Chairperson of the executive committee; and

''(III) scheduling regular meetings of the executive committee.

''(C) MEMBERSHIP.—The executive committee shall be comprised of—

''(i) 1 representative of the Nevada Department of Wildlife;

''(ii) 1 representative of the Nevada Department of Conservation and Natural Resources;

''(iii) 1 county commissioner from each of Churchill, Lyon, Nye, Mineral, and Pershing Counties, Nevada;

''(iv) 1 representative of each Indian tribe in the vicinity of the land described in paragraph (2); and

''(v) not more than 3 members that the Secretary of the Navy and the Secretary of the Interior jointly determine would advance the goals and objectives of the executive committee.

''(D) CHAIRPERSON AND VICE CHAIRPERSON.—The members of the executive committee shall elect from among the members—

''(i) 1 member to serve as Chairperson of the executive committee; and

''(ii) 1 member to serve as Vice Chairperson of the executive committee.

''(E) MEETINGS.—

''(i) FREQUENCY.—The executive committee shall meet not less frequently than 3 times each calendar year.

''(ii) LOCATION.—The location of the meetings of the executive committee shall rotate to facilitate ease of access for all members of the executive committee.

''(iii) PUBLIC ACCESSIBILITY.—The meetings of the executive committee shall—

''(I) be open to the public; and

''(II) serve as a forum for the public to provide comments regarding the natural and cultural resources of the land described in paragraph (2).

''(F) CONDITIONS AND TERMS.—

''(i) IN GENERAL.—Each member of the executive committee shall serve voluntarily and without compensation.

''(ii) TERM OF APPOINTMENT.—

''(I) IN GENERAL.—Except as provided in subclause (II)(bb), each member of the executive committee shall be appointed for a term of 4 years.

''(II) ORIGINAL MEMBERS.—Of the members initially appointed to the executive committee, the Secretary of the Navy and the Secretary of the Interior shall select—

''(aa) ½ to serve for a term of 4 years; and

''(bb) ½ to serve for a term of 2 years.

''(iii) REAPPOINTMENT AND REPLACEMENT.—The Secretary of the Navy and the Secretary of the Interior may reappoint or replace, as appropriate, a member of the executive committee if—

''(I) the term of the member has expired;

''(II) the member has resigned; or

''(III) the position held by the member has changed to the extent that the ability of the member to represent the group or entity that the member represents has been significantly affected.

''(G) LIAISONS.—The Secretary of the Navy and the Secretary of the Interior shall each appoint appropriate operational and land management personnel of the Department of the Navy and the Department of the Interior, respectively, to serve as liaisons to the executive committee.''.

(b) JOINT ACCESS AND USE BY DEPARTMENT OF THE AIR FORCE AND DEPARTMENT OF THE INTERIOR OF NEVADA TEST AND TRAINING RANGE AND DESERT NATIONAL WILDLIFE REFUGE.—

(1) UNITED STATES FISH AND WILDLIFE SERVICE AND DEPARTMENT OF THE AIR FORCE COORDINATION.—Section 3011(b)(5) of the Military Lands Withdrawal Act of 1999 (Public Law 106–65; 113 Stat. 887) is amended by adding at the end the following new subparagraph:

''(G) INTERAGENCY COMMITTEE.—

''(i) IN GENERAL.—The Secretary of the Interior and the Secretary of the Air Force shall jointly establish an interagency committee (referred to in this subparagraph as the 'interagency committee') to facilitate coordination, manage public access needs and requirements, and minimize potential conflict between the Department of the Interior and the Department of the Air Force with respect to joint operating areas within the Desert National Wildlife Refuge.

''(ii) MEMBERSHIP.—The interagency committee shall include only the following members:

''(I) Representatives from the United States Fish and Wildlife Service.

''(II) Representatives from the Department of the Air Force.

''(III) The Project Leader of the Desert National Wildlife Refuge Complex.

''(IV) The Commander of the Nevada Test and Training Range, Nellis Air Force Base.

''(iii) REPORT TO CONGRESS.—The interagency committee shall biannually submit to the Committees on Armed Services, Environment and Public Works, and Energy and Natural Resources of the Senate and the Committees on Armed Services and Natural Resources of the House of Representatives, and make available publicly online, a report on the activities of the interagency committee.''.

(2) INTERGOVERNMENTAL EXECUTIVE COMMITTEE.—Such section is further amended by adding at the end the following new subparagraph:

''(H) INTERGOVERNMENTAL EXECUTIVE COMMITTEE.—

''(i) ESTABLISHMENT.—The Secretary of the Interior and the Secretary of the Air Force shall jointly establish, by memorandum of understanding, an intergovernmental executive committee (referred to in this subparagraph as the 'executive committee') in accordance with this subparagraph.

''(ii) PURPOSE.—The executive committee shall be established for the purposes of—

''(I) exchanging views, information, and advice relating to the management of the natural and cultural resources of the lands withdrawn and reserved by this section; and

''(II) discussing and making recommendations to the interagency committee established under subparagraph (G) with respect to public access needs and requirements.

''(iii) COMPOSITION.—The executive committee shall comprise the following members:

''(I) FEDERAL AGENCIES.—The Secretary of the Interior and the Secretary of the Air Force shall each appoint 1 representative from an interested Federal agency.

''(II) STATE GOVERNMENT.—The Secretary of the Interior and the Secretary of the Air Force shall jointly invite 1 representative of the Nevada Department of Wildlife.

''(III) LOCAL GOVERNMENTS.—The Secretary of the Interior and the Secretary of the Air Force shall jointly invite 1 county commissioner of each of Clark, Nye, and Lincoln Counties, Nevada.

''(IV) TRIBAL GOVERNMENTS.—The Secretary of the Interior and the Secretary of the Air Force shall jointly invite 1 representative of each Indian tribe in the vicinity of the portions of the joint use area of the Desert National Wildlife Refuge where the Secretary of the Interior exercises primary jurisdiction.

''(V) PUBLIC.—The Secretary of the Interior and the Secretary of the Air Force shall jointly invite not more than 3 private individuals who the Secretary of the Interior and the Secretary of the Air Force jointly determine would further the goals and objectives of the executive committee.

''(VI) ADDITIONAL MEMBERS.—The Secretary of the Interior and the Secretary of the Air Force may designate such additional members as the Secretary of the Interior and the Secretary of the Air Force jointly determine to be appropriate.

''(iv) OPERATION.—The executive committee shall operate in accordance with the terms set forth in the memorandum of understanding under clause (i), which shall specify the officials or other individuals to be invited to participate in the executive committee in accordance with clause (iii).

''(v) PROCEDURES.—Subject to clauses (vi) and (vii), the memorandum of understanding under clause (i) shall establish procedures for—

''(I) creating a forum for carrying out the purpose described in clause (ii);

''(II) rotating the Chairperson of the executive committee; and

''(III) scheduling regular meetings.

''(vi) CHAIRPERSON AND VICE CHAIRPERSON.—

''(I) IN GENERAL.—The members of the executive committee shall elect from among the members—

''(aa) 1 member to serve as the Chairperson of the executive committee; and

''(bb) 1 member to serve as the Vice Chairperson of the executive committee.

''(II) DUTIES.—The duties of each of the Chairperson and the Vice Chairperson shall be included in the memorandum of understanding under clause (i).

''(vii) MEETINGS.—

''(I) FREQUENCY.—The executive committee shall meet not less frequently than 3 times each calendar year.

''(II) MEETING LOCATIONS.—Locations of meetings of the executive committee shall rotate to facilitate ease of access for all executive committee members.

''(III) PUBLIC ACCESSIBILITY.—Meetings of the executive committee shall—

''(aa) be open to the public; and

''(bb) provide a forum for the public to provide comment regarding the management of, and public access to, the Nevada Test and Training Range and the Desert National Wildlife Refuge.

''(viii) CONDITIONS AND TERMS OF APPOINTMENT.—

''(I) IN GENERAL.—Each member of the executive committee shall serve voluntarily and without compensation.

''(II) TERM OF APPOINTMENT.—

''(aa) IN GENERAL.—Each member of the executive committee shall be appointed for a term of 4 years.

''(bb) ORIGINAL MEMBERS.—Notwithstanding item (aa), the Secretary of the Interior and the Secretary of the Air Force shall select—

''(AA) ½ of the original members of the executive committee to serve for a term of 4 years; and

''(BB) ½ of the original members of the executive committee to serve for a term of 2 years.

''(III) REAPPOINTMENT AND REPLACEMENT.—The Secretary of the Interior and the Secretary of the Air Force may reappoint or replace a member of the executive committee if—

''(aa) the term of the member has expired;

''(bb) the member has resigned; or

''(cc) the position held by the member has changed to the extent that the ability of the member to represent the group or entity that the member represents has been significantly affected.

''(ix) LIAISONS.—The Secretary of the Air Force and the Secretary of the Interior shall each appoint appropriate operational and land management personnel of the Department of the Air Force and the Department of the Interior, respectively, to participate in, and serve as liaisons to, the executive committee.''.

SEC. 7862. LEASE EXTENSION FOR BRYAN MULTI-SPORTS COMPLEX, WAYNE COUNTY, NORTH CAROLINA.

(a) AUTHORITY.—The Secretary of the Air Force may extend to the City of Goldsboro the existing lease of the approximately 62-acre Bryan Multi-Sports Complex located in Wayne County, North Carolina, for the purpose of operating a sports and recreation facility for the benefit of both the Air Force and the community.

(b) DURATION.—At the option of the Secretary of the Air Force, the lease entered into under this section may be extended for up to 30 additional years with a total lease period not to exceed 50 years.

(c) PAYMENTS UNDER THE LEASE.—The Secretary of the Air Force may waive the requirement under section 2667(b)(4) of title 10, United States Code, with respect to the lease entered into under this section if the Secretary determines that the lease enhances the quality of life of members of the Armed Forces.

(d) SENSE OF SENATE.—It is the Sense of the Senate regarding the conditions governing the extension of the current lease for the Bryan Multi-Sports Complex that—

(1) the Senate has determined it is in the best interest of the community and the Air Force to extend the lease at no cost;

(2) the current lease allowed the Air Force to close their sports field on Seymour-Johnson Air Force Base and resulted in a savings of $15,000 per year in utilities and grounds maintenance costs;

(3) the current sports complex reduces force protection vulnerability now that the sports complex is located outside the fence line of the installation; and

(4) the facility has improved the quality of life for military families stationed at Seymour-Johnson Air Force Base by allowing members of the Armed Forces and their families to have access to world class sports facilities located adjacent to the installation and on-base privatized housing with easy access by junior enlisted members residing in the dorms.

Subtitle E—Other Matters

SEC. 7881. SENSE OF CONGRESS ON RELOCATION OF JOINT SPECTRUM CENTER.

It is the Sense of Congress that Congress strongly recommends that the Director of the Defense Information Systems Agency begin the process for the relocation of the Joint Spectrum Center of the Department of Defense to the building at Fort Meade that is allocated for such center.

TITLE LXXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle F—Other Matters

SEC. 8159. EXTENSION AND EXPANSION OF LIMITATIONS ON IMPORTATION OF URANIUM FROM RUSSIAN FEDERATION.

Section 3159 and the amendments made by that section shall have no force or effect.

DIVISION F—INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2021

SEC. 9001. SHORT TITLE.

This division may be cited as the ''Intelligence Authorization Act for Fiscal Year 2021''.

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 2021 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.

(5) The National Security 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.

(12) The Federal Bureau of Investigation.

(13) The Drug Enforcement Administration.

(14) The National Reconnaissance Office.

(15) The National Geospatial-Intelligence Agency.

(16) The Department of Homeland Security.

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 of the Federal Government.

(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 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 2021 the sum of $731,200,000.

(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 2021 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 9102(a).

TITLE XCII—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 9201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund $514,000,000 for fiscal year 2021.

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. 9 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. CLARIFICATION OF AUTHORITIES AND RESPONSIBILITIES OF NATIONAL MANAGER FOR NATIONAL SECURITY TELECOMMUNICATIONS AND INFORMATION SYSTEMS SECURITY.

In carrying out the authorities and responsibilities of the National Manager for National Security Telecommunications and Information Systems Security under National Security Directive 42 (signed by the President on July 5, 1990), the National Manager shall not supervise, oversee, or execute, either directly or indirectly, any aspect of the National Intelligence Program.

SEC. 9304. CONTINUITY OF OPERATIONS PLANS FOR CERTAIN ELEMENTS OF THE INTELLIGENCE COMMUNITY IN THE CASE OF A NATIONAL EMERGENCY.

(a) DEFINITION OF COVERED NATIONAL EMERGENCY.—In this section, the term ''covered national emergency'' means the following:

(1) A major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).

(2) An emergency declared by the President under section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191).

(3) A national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.).

(4) A public health emergency declared under section 319 of the Public Health Service Act (42 U.S.C. 247d).

(b) IN GENERAL.—The Director of National Intelligence, the Director of the Central Intelligence Agency, the Director of the National Reconnaissance Office, the Director of the Defense Intelligence Agency, the Director of the National Security Agency, and the Director of the National Geospatial-Intelligence Agency shall each establish continuity of operations plans for use in the case of covered national emergencies for the element of the intelligence community concerned.

(c) SUBMISSION TO CONGRESS.—

(1) DIRECTOR OF NATIONAL INTELLIGENCE AND DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.—Not later than 7 days after the date on which a covered national emergency is declared, the Director of National Intelligence and the Director of the Central Intelligence Agency shall each submit to the congressional intelligence committees the plan established under subsection (b) for that emergency for the element of the intelligence community concerned.

(2) DIRECTOR OF NATIONAL RECONNAISSANCE OFFICE, DIRECTOR OF DEFENSE INTELLIGENCE AGENCY, DIRECTOR OF NATIONAL SECURITY AGENCY, AND DIRECTOR OF NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.—Not later than 7 days after the date on which a covered national emergency is declared, the Director of the National Reconnaissance Office, the Director of the Defense Intelligence Agency, the Director of the National Security Agency, and the Director of the National Geospatial-Intelligence Agency shall each submit the plan established under subsection (b) for that emergency for the element of the intelligence community concerned to the following:

(A) The congressional intelligence committees.

(B) The Committee on Armed Services of the Senate.

(C) The Committee on Armed Services of the House of Representatives.

(d) UPDATES.—During a covered national emergency, the Director of National Intelligence, the Director of the Central Intelligence Agency, the Director of the National Reconnaissance Office, the Director of the Defense Intelligence Agency, the Director of the National Security Agency, and the Director of the National Geospatial-Intelligence Agency shall each submit any updates to the plans submitted under subsection (c)—

(1) in accordance with that subsection; and

(2) in a timely manner consistent with section 501 of the National Security Act of 1947 (50 U.S.C. 3091).

SEC. 9305. APPLICATION OF EXECUTIVE SCHEDULE LEVEL III TO POSITION OF DIRECTOR OF NATIONAL RECONNAISSANCE OFFICE.

Section 5314 of title 5, United States Code, is amended by adding at the end the following:

''Director of the National Reconnaissance Office.''.

SEC. 9306. NATIONAL INTELLIGENCE UNIVERSITY.

(a) IN GENERAL.—Title X of the National Security Act of 1947 (50 U.S.C. 3191 et seq.) is amended by adding at the end the following:

''Subtitle D—National Intelligence University

''SEC. 1031. TRANSFER DATE.

''In this subtitle, the term 'transfer date' means the date on which the National Intelligence University is transferred from the Defense Intelligence Agency to the Director of National Intelligence under section 5324(a) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92).

''SEC. 1032. DEGREE-GRANTING AUTHORITY.

''(a) IN GENERAL.—Beginning on the transfer date, under regulations prescribed by the Director of National Intelligence, the President of the National Intelligence University may, upon the recommendation of the faculty of the University, confer appropriate degrees upon graduates who meet the degree requirements.

''(b) LIMITATION.—A degree may not be conferred under this section unless—

''(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

''(2) the University is accredited by the appropriate academic accrediting agency or organization to award the degree, as determined by the Secretary of Education.

''(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—

''(1) ACTIONS ON NONACCREDITATION.—Beginning on the transfer date, the Director shall promptly—

''(A) notify the congressional intelligence committees of any action by the Middle States Commission on Higher Education, or other appropriate academic accrediting agency or organization, to not accredit the University to award any new or existing degree; and

''(B) submit to such committees a report containing an explanation of any such action.

''(2) MODIFICATION OR REDESIGNATION OF DEGREE-GRANTING AUTHORITY.—Beginning on the transfer date, upon any modification or redesignation of existing degree-granting authority, the Director shall submit to the congressional intelligence committees a report containing—

''(A) the rationale for the proposed modification or redesignation; and

''(B) any subsequent recommendation of the Secretary of Education with respect to the proposed modification or redesignation.

''SEC. 1033. FACULTY MEMBERS; EMPLOYMENT AND COMPENSATION.

''(a) AUTHORITY OF DIRECTOR.—Beginning on the transfer date, the Director of National Intelligence may employ as many professors, instructors, and lecturers at the National Intelligence University as the Director considers necessary.

''(b) COMPENSATION OF FACULTY MEMBERS.—The compensation of persons employed under this section shall be as prescribed by the Director.

''(c) COMPENSATION PLAN.—The Director shall provide each person employed as a professor, instructor, or lecturer at the University on the transfer date an opportunity to elect to be paid under the compensation plan in effect on the day before the transfer date (with no reduction in pay) or under the authority of this section.

''SEC. 1034. ACCEPTANCE OF FACULTY RESEARCH GRANTS.

''The Director of National Intelligence 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 title 10, United States Code.

''SEC. 1035. CONTINUED APPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT TO THE BOARD OF VISITORS.

''The Federal Advisory Committee Act (5 U.S.C. App.) shall continue to apply to the Board of Visitors of the National Intelligence University on and after the transfer date.''.

(b) CONFORMING AMENDMENTS.—Section 5324 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended—

(1) in subsection (b)(1)(C), by striking ''subsection (e)(2)'' and inserting ''section 1032(b) of the National Security Act of 1947'';

(2) by striking subsections (e) and (f); and

(3) by redesignating subsections (g) and (h) as subsections (e) and (f), respectively.

(c) CLERICAL AMENDMENT.—The table of contents of the National Security Act of 1947 is amended by inserting after the item relating to section 1024 the following:

''Subtitle D—National Intelligence University

''Sec. 1031. Transfer date.
''Sec. 1032. Degree-granting authority.
''Sec. 1033. Faculty members; employment and compensation.
''Sec. 1034. Acceptance of faculty research grants.
''Sec. 1035. Continued applicability of the Federal Advisory Committee Act to the Board of Visitors.''.

SEC. 9307. REQUIRING FACILITATION OF ESTABLISHMENT OF SOCIAL MEDIA DATA AND THREAT ANALYSIS CENTER.

(a) REQUIREMENT TO FACILITATE ESTABLISHMENT.—Subsection (c)(1) of section 5323 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended, by striking ''may'' and inserting ''shall''.

(b) DEADLINE TO FACILITATE ESTABLISHMENT.—Such subsection is further amended by striking ''The Director'' and inserting ''Not later than 180 days after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2021, the Director''.

(c) CONFORMING AMENDMENTS.—

(1) REPORTING.—Subsection (d) of such section is amended—

(A) in the matter before paragraph (1), by striking ''If the Director'' and all that follows through ''the Center, the'' and inserting ''The''; and

(B) in paragraph (1), by striking ''180 days after the date of the enactment of this Act'' and inserting ''180 days after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2021''.

(2) FUNDING.—Subsection (f) of such section is amended by striking ''fiscal year 2020 and 2021'' and inserting ''fiscal year 2021 and 2022''.

(3) CLERICAL.—Subsection (c) of such section is amended—

(A) in the subsection heading, by striking ''AUTHORITY'' and inserting ''REQUIREMENT''; and

(B) in paragraph (1), in the paragraph heading, by striking ''AUTHORITY'' and inserting ''REQUIREMENT''.

SEC. 9308. DATA COLLECTION ON ATTRITION IN INTELLIGENCE COMMUNITY.

(a) STANDARDS FOR DATA COLLECTION.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall establish standards for collecting data relating to attrition in the intelligence community workforce across demographics, specialities, and length of service.

(2) INCLUSION OF CERTAIN CANDIDATES.—The Director shall include, in the standards established under paragraph (1), standards for collecting data from candidates who accepted conditional offers of employment but chose to withdraw from the hiring process before entering into service, including data with respect to the reasons such candidates chose to withdraw.

(b) COLLECTION OF DATA.—Not later than 120 days after the date of the enactment of this Act, each element of the intelligence community shall begin collecting data on workforce and candidate attrition in accordance with the standards established under subsection (a).

(c) ANNUAL REPORT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Director shall submit to the congressional intelligence committees a report on workforce and candidate attrition in the intelligence community that includes—

(1) the findings of the Director based on the data collected under subsection (b);

(2) recommendations for addressing any issues identified in those findings; and

(3) an assessment of timeliness in processing hiring applications of individuals previously employed by an element of the intelligence community, consistent with the Trusted Workforce 2.0 initiative sponsored by the Security Clearance, Suitability, and Credentialing Performance Accountability Council.

SEC. 9309. LIMITATION ON DELEGATION OF RESPONSIBILITY FOR PROGRAM MANAGEMENT OF INFORMATION-SHARING ENVIRONMENT.

(a) IN GENERAL.—Section 1016(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485(b)), as amended by section 6402(a) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), is further amended—

(1) in paragraph (1), in the matter before subparagraph (A), by striking ''Director of National Intelligence'' and inserting ''President'';

(2) in paragraph (2), by striking ''Director of National Intelligence'' both places it appears and inserting ''President''; and

(3) by adding at the end the following:

''(3) DELEGATION.—

''(A) IN GENERAL.—Subject to subparagraph (B), the President may delegate responsibility for carrying out this subsection.

''(B) LIMITATION.—The President may not delegate responsibility for carrying out this subsection to the Director of National Intelligence.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2020.

SEC. 9310. IMPROVEMENTS TO PROVISIONS RELATING TO INTELLIGENCE COMMUNITY INFORMATION TECHNOLOGY ENVIRONMENT.

Section 6312 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended by striking subsections (e) through (i) and inserting the following:

''(e) LONG-TERM ROADMAP.—Not later than 180 days after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2021, the Director of National Intelligence shall develop and maintain a long-term roadmap for the intelligence community information technology environment.

''(f) BUSINESS PLAN.—Not later than 180 days after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2021, the Director of National Intelligence shall develop and maintain a business plan to implement the long-term roadmap required by subsection (e).''.

SEC. 9311. REQUIREMENTS AND AUTHORITIES FOR DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY TO IMPROVE EDUCATION IN SCIENCE, TECHNOLOGY, ENGINEERING, ARTS, AND MATHEMATICS.

The Central Intelligence Agency Act of 1949 (50 U.S.C. 3501 et seq.) is amended by adding the following:

''SEC. 24. IMPROVEMENT OF EDUCATION IN SCIENCE, TECHNOLOGY, ENGINEERING, ARTS, AND MATHEMATICS.

''(a) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' includes a department or agency of the Federal Government, a State, a political subdivision of a State, an individual, and a not-for-profit or other organization in the private sector.

''(2) EDUCATIONAL INSTITUTION.—The term 'educational institution' includes any public or private elementary school or secondary school, institution of higher education, college, university, or any other profit or nonprofit institution that is dedicated to improving science, technology, engineering, the arts, mathematics, business, law, medicine, or other fields that promote development and education relating to science, technology, engineering, the arts, or mathematics.

''(3) STATE.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

''(b) REQUIREMENTS.—The Director shall, on a continuing basis—

''(1) identify actions that the Director may take to improve education in the scientific, technology, engineering, arts, and mathematics (known as 'STEAM') skills necessary to meet the long-term national security needs of the United States for personnel proficient in such skills; and

''(2) establish and conduct programs to carry out such actions.

''(c) AUTHORITIES.—

''(1) IN GENERAL.—The Director, in support of educational programs in science, technology, engineering, the arts, and mathematics, may—

''(A) award grants to eligible entities;

''(B) provide cash awards and other items to eligible entities;

''(C) accept voluntary services from eligible entities;

''(D) support national competition judging, other educational event activities, and associated award ceremonies in connection with such educational programs; and

''(E) enter into one or more education partnership agreements with educational institutions in the United States for the purpose of encouraging and enhancing study in science, technology, engineering, the arts, and mathematics disciplines at all levels of education.

''(2) EDUCATION PARTNERSHIP AGREEMENTS.—

''(A) NATURE OF ASSISTANCE PROVIDED.—Under an education partnership agreement entered into with an educational institution under paragraph (1)(E), the Director may provide assistance to the educational institution by—

''(i) loaning equipment to the educational institution for any purpose and duration in support of such agreement that the Director considers appropriate;

''(ii) making personnel available to teach science courses or to assist in the development of science courses and materials for the educational institution;

''(iii) providing sabbatical opportunities for faculty and internship opportunities for students;

''(iv) involving faculty and students of the educational institution in Agency projects, including research and technology transfer or transition projects;

''(v) cooperating with the educational institution in developing a program under which students may be given academic credit for work on Agency projects, including research and technology transfer for transition projects; and

''(vi) providing academic and career advice and assistance to students of the educational institution.

''(B) PRIORITIES.—In entering into education partnership agreements under paragraph (1)(E), the Director shall prioritize entering into education partnership agreements with the following:

''(i) Historically Black colleges and universities and other minority-serving institutions, as described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)).

''(ii) Educational institutions serving women, members of minority groups, and other groups of individuals who traditionally are involved in the science, technology, engineering, arts, and mathematics professions in disproportionately low numbers.

''(d) DESIGNATION OF ADVISOR.—The Director shall designate one or more individuals within the Agency to advise and assist the Director regarding matters relating to science, technology, engineering, the arts, and mathematics education and training.''.

Subtitle B—Reports and Assessments Pertaining to Intelligence Community

SEC. 9321. ASSESSMENT BY THE COMPTROLLER GENERAL OF THE UNITED STATES ON EFFORTS OF THE INTELLIGENCE COMMUNITY AND THE DEPARTMENT OF DEFENSE TO IDENTIFY AND MITIGATE RISKS POSED TO THE INTELLIGENCE COMMUNITY AND THE DEPARTMENT BY THE USE OF DIRECT-TO-CONSUMER GENETIC TESTING BY THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) ASSESSMENT REQUIRED.—The Comptroller General of the United States shall assess the efforts of the intelligence community and the Department of Defense to identify and mitigate the risks posed to the intelligence community and the Department by the use of direct-to-consumer genetic testing by the Government of the People's Republic of China.

(b) REPORT REQUIRED.—

(1) DEFINITION OF UNITED STATES DIRECT-TO-CONSUMER GENETIC TESTING COMPANY.—In this subsection, the term ''United States direct-to-consumer genetic testing company'' means a private entity that—

(A) carries out direct-to-consumer genetic testing; and

(B) is organized under the laws of the United States or any jurisdiction within the United States.

(2) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress, including 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 assessment required by subsection (a).

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

(A) A description of key national security risks and vulnerabilities associated with direct-to-consumer genetic testing, including—

(i) how the Government of the People's Republic of China may be using data provided by personnel of the intelligence community and the Department through direct-to-consumer genetic tests; and

(ii) how ubiquitous technical surveillance may amplify those risks.

(B) An assessment of the extent to which the intelligence community and the Department have identified risks and vulnerabilities posed by direct-to-consumer genetic testing and have sought to mitigate such risks and vulnerabilities, or have plans for such mitigation, including the extent to which the intelligence community has determined—

(i) in which United States direct-to-consumer genetic testing companies the Government of the People's Republic of China or entities owned or controlled by the Government of the People's Republic of China have an ownership interest; and

(ii) which United States direct-to-consumer genetic testing companies may have sold data to the Government of the People's Republic of China or entities owned or controlled by the Government of the People's Republic of China.

(C) Such recommendations as the Comptroller General may have for action by the intelligence community and the Department to improve the identification and mitigation of risks and vulnerabilities posed by the use of direct-to-consumer genetic testing by the Government of the People's Republic of China.

(4) FORM.—The report required by paragraph (2) shall be submitted in unclassified form, but may include a classified annex.

(c) COOPERATION.—The heads of relevant elements of the intelligence community and components of the Department shall—

(1) fully cooperate with the Comptroller General in conducting the assessment required by subsection (a); and

(2) provide any information and data required by the Comptroller General to conduct the assessment.

SEC. 9322. REPORT ON USE BY INTELLIGENCE COMMUNITY OF HIRING FLEXIBILITIES AND EXPEDITED HUMAN RESOURCES PRACTICES TO ASSURE QUALITY AND DIVERSITY IN THE WORKFORCE OF THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report on how elements of the intelligence community are exercising hiring flexibilities and expedited human resources practices afforded under section 3326 of title 5, United States Code, and subpart D of part 315 of title 5, Code of Federal Regulations, or successor regulation, to assure quality and diversity in the workforce of the intelligence community.

(b) OBSTACLES.—The report submitted under subsection (a) shall include identification of any obstacles encountered by the intelligence community in exercising the authorities described in such subsection.

SEC. 9323. REPORT ON SIGNALS INTELLIGENCE PRIORITIES AND REQUIREMENTS.

(a) REPORT REQUIRED.—Not later than 30 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 signals intelligence priorities and requirements subject to Presidential Policy Directive 28.

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

(1) The implementation of the annual process for advising the Director on signals intelligence priorities and requirements described in section 3 of Presidential Policy Directive 28.

(2) The signals intelligence priorities and requirements as of the most recent annual process.

(3) The application of such priorities and requirements to the signals intelligence collection efforts of the intelligence community.

(4) The contents of the classified annex referenced in section 3 of Presidential Policy Directive 28.

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

SEC. 9324. ASSESSMENT OF DEMAND FOR STUDENT LOAN REPAYMENT PROGRAM BENEFIT.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the head of each element of the intelligence community shall—

(1) calculate the number of personnel of that element who qualify for a student loan repayment program benefit;

(2) compare the number calculated under paragraph (1) to the number of personnel who apply for such a benefit;

(3) provide recommendations for how to structure such a program to optimize participation and enhance the effectiveness of the benefit as a retention tool, including with respect to the amount of the benefit offered and the length of time an employee receiving a benefit is required to serve under a continuing service agreement; and

(4) identify any shortfall in funds or authorities needed to provide such a benefit.

(b) INCLUSION IN FISCAL YEAR 2022 BUDGET SUBMISSION.—The Director of National Intelligence shall include in the budget justification materials submitted to Congress in support of the budget for the intelligence community for fiscal year 2022 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) a report on the findings of the elements of the intelligence community under subsection (a).

SEC. 9325. ASSESSMENT OF INTELLIGENCE COMMUNITY DEMAND FOR CHILD CARE.

(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 heads of the elements of the intelligence community specified in subsection (b), shall submit to the congressional intelligence committees a report that includes—

(1) a calculation of the total annual demand for child care by employees of such elements, at or near the workplaces of such employees, including a calculation of the demand for early morning and evening child care;

(2) an identification of any shortfall between the demand calculated under paragraph (1) and the child care supported by such elements as of the date of the report;

(3) an assessment of options for addressing any such shortfall, including options for providing child care at or near the workplaces of employees of such elements;

(4) an identification of the advantages, disadvantages, security requirements, and costs associated with each such option;

(5) a plan to meet, by the date that is 5 years after the date of the report—

(A) the demand calculated under paragraph (1); or

(B) an alternative standard established by the Director for child care available to employees of such elements; and

(6) an assessment of needs of specific elements of the intelligence community, including any Government-provided child care that could be collocated with a workplace of employees of such an element and any available child care providers in the proximity of such a workplace.

(b) ELEMENTS SPECIFIED.—The elements of the intelligence community specified in this subsection are the following:

(1) The Central Intelligence Agency.

(2) The National Security Agency.

(3) The Defense Intelligence Agency.

(4) The National Geospatial-Intelligence Agency.

(5) The National Reconnaissance Office.

(6) The Office of the Director of National Intelligence.

SEC. 9326. OPEN SOURCE INTELLIGENCE STRATEGIES AND PLANS FOR THE INTELLIGENCE COMMUNITY.

(a) REQUIREMENT FOR SURVEY AND EVALUATION OF CUSTOMER FEEDBACK.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the head of each element of the intelligence community, shall—

(1) conduct a survey of the open source intelligence requirements, goals, monetary and property investments, and capabilities for each element of the intelligence community; and

(2) evaluate the usability and utility of the Open Source Enterprise by soliciting customer feedback and evaluating such feedback.

(b) REQUIREMENT FOR OVERALL STRATEGY AND FOR INTELLIGENCE COMMUNITY, PLAN FOR IMPROVING USABILITY OF OPEN SOURCE ENTERPRISE, AND RISK ANALYSIS OF CREATING OPEN SOURCE CENTER.—Not later than 180 days after the date of the enactment of this Act, the Director, in coordination with the head of each element of the intelligence community and using the findings of the Director with respect to the survey conducted under subsection (a), shall—

(1) develop a strategy for open source intelligence collection, analysis, and production that defines the overarching goals, roles, responsibilities, and processes for such collection, analysis, and production for the intelligence community;

(2) develop a plan for improving usability and utility of the Open Source Enterprise based on the customer feedback solicited under subsection (a)(2); and

(3) conduct a risk and benefit analysis of creating an open source center independent of any current intelligence community element.

(c) REQUIREMENT FOR PLAN FOR CENTRALIZED DATA REPOSITORY.—Not later than 270 days after the date of the enactment of this Act and using the findings of the Director with respect to the survey and evaluation conducted under subsection (a), the strategy and plan developed under subsection (b), and the risk and benefit analysis conducted under such subsection, the Director shall develop a plan for a centralized data repository of open source intelligence that enables all elements of the intelligence community—

(1) to use such repository for their specific requirements; and

(2) to derive open source intelligence advantages.

(d) REQUIREMENT FOR COST-SHARING MODEL.—Not later than 1 year after the date of the enactment of this Act and using the findings of the Director with respect to the survey and evaluation conducted under subsection (a), the strategy and plan developed under subsection (b), the risk and benefit analysis conducted under such subsection, and the plan developed under subsection (c), the Director shall develop a cost-sharing model that leverages the open source intelligence investments of each element of the intelligence community for the beneficial use of the entire intelligence community.

(e) CONGRESSIONAL BRIEFING.—Not later than 1 year after the date of the enactment of this Act, the Director of National Intelligence, the Director of the Central Intelligence Agency, the Director of the Defense Intelligence Agency, the Director of the National Geospatial-Intelligence Agency, and the Director of the National Security Agency shall jointly brief the congressional intelligence committees on—

(1) the strategy developed under paragraph (1) of subsection (b);

(2) the plan developed under paragraph (2) of such subsection;

(3) the plan developed under subsection (c); and

(4) the cost-sharing model developed under subsection (d).

TITLE XCIV—SECURITY CLEARANCES AND TRUSTED WORKFORCE

SEC. 9401. EXCLUSIVITY, CONSISTENCY, AND TRANSPARENCY IN SECURITY CLEARANCE PROCEDURES, AND RIGHT TO APPEAL.

(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) and promulgated and set forth under subpart A of title 32, Code of Federal Regulations, or successor regulations, 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 head 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, ethnicity, 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.''.

(d) RIGHT TO APPEAL.—

(1) IN GENERAL.—Such title, as amended by subsection (c), is further amended by inserting after section 801A the following:

''SEC. 801B. RIGHT TO APPEAL.

''(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) COVERED PERSON.—The term 'covered person' means a person, other than the President and Vice President, currently or formerly employed in, detailed to, assigned to, or issued an authorized conditional offer of employment for a position that requires access to classified information by an agency, including the following:

''(A) A member of the Armed Forces.

''(B) A civilian.

''(C) An expert or consultant with a contractual or personnel obligation to an agency.

''(D) Any other category of person who acts for or on behalf of an agency as determined by the head of the agency.

''(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).

''(4) NEED FOR ACCESS.—The term 'need for access' has such meaning as the President may define in the procedures established pursuant to section 801(a).

''(5) RECIPROCITY OF CLEARANCE.—The term 'reciprocity of clearance', with respect to a denial by an agency, means that the agency, with respect to a covered person—

''(A) failed to accept a security clearance background investigation as required by paragraph (1) of section 3001(d) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(d));

''(B) failed to accept a transferred security clearance background investigation required by paragraph (2) of such section;

''(C) subjected the covered person to an additional investigative or adjudicative requirement in violation of paragraph (3) of such section; or

''(D) conducted an investigation in violation of paragraph (4) of such section.

''(6) SECURITY EXECUTIVE AGENT.—The term 'Security Executive Agent' means the officer serving as the Security Executive Agent pursuant to section 803.

''(b) AGENCY REVIEW.—

''(1) IN GENERAL.—Not later than 180 days after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2021, each head of an agency shall, consistent with the interest of national security, establish and publish in the Federal Register a process by which a covered person to whom eligibility for access to classified information was denied or revoked by the agency or for whom reciprocity of clearance was denied by the agency can appeal that denial or revocation within the agency.

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

''(A) In the case of a covered person to whom eligibility for access to classified information or reciprocity of clearance is denied or revoked by an agency, the following:

''(i) The head of the agency shall provide the covered person with a written—

''(I) detailed explanation of the basis for the denial or revocation as the head of the agency determines is consistent with the interests of national security and as permitted by other applicable provisions of law; and

''(II) notice of the right of the covered person to a hearing and appeal under this subsection.

''(ii) Not later than 30 days after receiving a request from the covered person for copies of the documents that formed the basis of the agency's decision to revoke or deny, including the investigative file, the head of the agency shall provide to the covered person copies of such documents as—

''(I) the head of the agency determines is consistent with the interests of national security; and

''(II) permitted by other applicable provisions of law, including—

''(aa) section 552 of title 5, United States Code (commonly known as the 'Freedom of Information Act');

''(bb) section 552a of such title (commonly known as the 'Privacy Act of 1974'); and

''(cc) such other provisions of law relating to the protection of confidential sources and privacy of individuals.

''(iii)(I) The covered person shall have the opportunity to retain counsel or other representation at the covered person's expense.

''(II) Upon the request of the covered person, and a showing that the ability to review classified information is essential to the resolution of an appeal under this subsection, counsel or other representation retained under this clause shall be considered for access to classified information for the limited purposes of such appeal.

''(iv)(I) The head of the agency shall provide the covered person an opportunity, at a point in the process determined by the agency head—

''(aa) to appear personally before an adjudicative or other authority, other than the investigating entity, and to present to such authority relevant documents, materials, and information, including evidence that past problems relating to the denial or revocation have been overcome or sufficiently mitigated; and

''(bb) to call and cross-examine witnesses before such authority, unless the head of the agency determines that calling and cross-examining witnesses is not consistent with the interests of national security.

''(II) The head of the agency shall make, as part of the security record of the covered person, a written summary, transcript, or recording of any appearance under item (aa) of subclause (I) or of any calling or cross-examining of witnesses under item (bb) of such subclause.

''(v) On or before the date that is 30 days after the date on which the covered person receives copies of documents under clause (ii), the covered person may request a hearing of the decision to deny or revoke by filing a written appeal with the head of the agency.

''(B) A requirement that each review of a decision under this subsection is completed on average not later than 180 days after the date on which a hearing is requested under subparagraph (A)(v).

''(3) AGENCY REVIEW PANELS.—

''(A) IN GENERAL.—Each head of an agency shall establish a panel to hear and review appeals under this subsection.

''(B) MEMBERSHIP.—

''(i) COMPOSITION.—Each panel established by the head of an agency under subparagraph (A) shall be composed of at least three employees of the agency selected by the agency head, two of whom shall not be members of the security field.

''(ii) TERMS.—A term of service on a panel established by the head of an agency under subparagraph (A) shall not exceed 2 years.

''(C) DECISIONS.—

''(i) WRITTEN.—Each decision of a panel established under subparagraph (A) shall be in writing and contain a justification of the decision.

''(ii) CONSISTENCY.—Each head of an agency that establishes a panel under subparagraph (A) shall ensure that each decision of the panel is consistent with the interests of national security and applicable provisions of law.

''(iii) OVERTURN.—The head of an agency may overturn a decision of the panel if, not later than 30 days after the date on which the panel issues the decision, the agency head personally exercises the authority granted by this clause to overturn such decision.

''(iv) FINALITY.—Each decision of a panel established under subparagraph (A) or overturned pursuant to clause (iii) of this subparagraph shall be final.

''(D) ACCESS TO CLASSIFIED INFORMATION.—The head of an agency that establishes a panel under subparagraph (A) shall afford access to classified information to the members of the panel as the agency head determines—

''(i) necessary for the panel to hear and review an appeal under this subsection; and

''(ii) consistent with the interests of national security.

''(4) REPRESENTATION BY COUNSEL.—

''(A) IN GENERAL.—Each head of an agency shall ensure that, under this subsection, a covered person appealing a decision of the head's agency under this subsection has an opportunity to retain counsel or other representation at the covered person's expense.

''(B) ACCESS TO CLASSIFIED INFORMATION.—

''(i) IN GENERAL.—Upon the request of a covered person appealing a decision of an agency under this subsection and a showing that the ability to review classified information is essential to the resolution of the appeal under this subsection, the head of the agency shall sponsor an application by the counsel or other representation retained under this paragraph for access to classified information for the limited purposes of such appeal.

''(ii) EXTENT OF ACCESS.—Counsel or another representative who is cleared for access under this subparagraph may be afforded access to relevant classified materials to the extent consistent with the interests of national security.

''(5) PUBLICATION OF DECISIONS.—

''(A) IN GENERAL.—Each head of an agency shall publish each final decision on an appeal under this subsection.

''(B) REQUIREMENTS.—In order to ensure transparency, oversight by Congress, and meaningful information for those who need to understand how the clearance process works, each publication under subparagraph (A) shall be—

''(i) made in a manner that is consistent with section 552 of title 5, United States Code, as amended by the Electronic Freedom of Information Act Amendments of 1996 (Public Law 104–231);

''(ii) published to explain the facts of the case, redacting personally identifiable information and sensitive program information; and

''(iii) made available on a website that is searchable by members of the public.

''(c) PERIOD OF TIME FOR THE RIGHT TO APPEAL.—

''(1) IN GENERAL.—Except as provided in paragraph (2), any covered person who has been the subject of a decision made by the head of an agency to deny or revoke eligibility for access to classified information shall retain all rights to appeal under this section until the conclusion of the appeals process under this section.

''(2) WAIVER OF RIGHTS.—

''(A) PERSONS.—Any covered person may voluntarily waive the covered person's right to appeal under this section and such waiver shall be conclusive.

''(B) AGENCIES.—The head of an agency may not require a covered person to waive the covered person's right to appeal under this section for any reason.

''(d) WAIVER OF AVAILABILITY OF PROCEDURES FOR NATIONAL SECURITY INTEREST.—

''(1) IN GENERAL.—If the head of an agency determines that a procedure established under subsection (b) cannot be made available to a covered person in an exceptional case without damaging a national security interest of the United States by revealing classified information, such procedure shall not be made available to such covered person.

''(2) FINALITY.—A determination under paragraph (1) shall be final and conclusive and may not be reviewed by any other official or by any court.

''(3) REPORTING.—

''(A) CASE-BY-CASE.—

''(i) IN GENERAL.—In each case in which the head of an agency determines under paragraph (1) that a procedure established under subsection (b) cannot be made available to a covered person, the agency head shall, not later than 30 days after the date on which the agency head makes such determination, submit to the Security Executive Agent and to the congressional intelligence committees a report stating the reasons for the determination.

''(ii) FORM.—A report submitted under clause (i) may be submitted in classified form as necessary.

''(B) ANNUAL REPORTS.—

''(i) IN GENERAL.—Not less frequently than once each fiscal year, the Security Executive Agent shall submit to the congressional intelligence committees a report on the determinations made under paragraph (1) during the previous fiscal year.

''(ii) CONTENTS.—Each report submitted under clause (i) shall include, for the period covered by the report, the following:

''(I) The number of cases and reasons for determinations made under paragraph (1), disaggregated by agency.

''(II) Such other matters as the Security Executive Agent considers appropriate.

''(e) DENIALS AND REVOCATIONS UNDER OTHER PROVISIONS OF LAW.—

''(1) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit or affect the responsibility and power of the head of an agency to deny or revoke eligibility for access to classified information or to deny reciprocity of clearance in the interest of national security.

''(2) DENIALS AND REVOCATION.—The power and responsibility to deny or revoke eligibility for access to classified information or to deny reciprocity of clearance pursuant to any other provision of law or Executive order may be exercised only when the head of an agency determines that an applicable process established under this section cannot be invoked in a manner that is consistent with national security.

''(3) FINALITY.—A determination under paragraph (2) shall be final and conclusive and may not be reviewed by any other official or by any court.

''(4) REPORTING.—

''(A) CASE-BY-CASE.—

''(i) IN GENERAL.—In each case in which the head of an agency determines under paragraph (2) that a determination relating to a denial or revocation of eligibility for access to classified information or denial of reciprocity of clearance could not be made pursuant to a process established under this section, the agency head shall, not later than 30 days after the date on which the agency head makes such a determination under paragraph (2), submit to the Security Executive Agent and to the congressional intelligence committees a report stating the reasons for the determination.

''(ii) FORM.—A report submitted under clause (i) may be submitted in classified form as necessary.

''(B) ANNUAL REPORTS.—

''(i) IN GENERAL.—Not less frequently than once each fiscal year, the Security Executive Agent shall submit to the congressional intelligence committees a report on the determinations made under paragraph (2) during the previous fiscal year.

''(ii) CONTENTS.—Each report submitted under clause (i) shall include, for the period covered by the report, the following:

''(I) The number of cases and reasons for determinations made under paragraph (2), disaggregated by agency.

''(II) Such other matters as the Security Executive Agent considers appropriate.

''(f) RELATIONSHIP TO SUITABILITY.—No person may use a determination of suitability under part 731 of title 5, Code of Federal Regulations, or successor regulation, for the purpose of denying a covered person the review proceedings of this section where there has been a denial or revocation of eligibility for access to classified information or a denial of reciprocity of clearance.

''(g) PRESERVATION OF ROLES AND RESPONSIBILITIES UNDER EXECUTIVE ORDER 10865 AND OF THE DEFENSE OFFICE OF HEARINGS AND APPEALS.—Nothing in this section shall be construed to diminish or otherwise affect the procedures in effect on the day before the date of the enactment of this Act for denial and revocation procedures provided to individuals by Executive Order 10865 (50 U.S.C. 3161 note; relating to safeguarding classified information within industry), or successor order, including those administered through the Defense Office of Hearings and Appeals of the Department of Defense under Department of Defense Directive 5220.6, or successor directive.

''(h) RULE OF CONSTRUCTION RELATING TO CERTAIN OTHER PROVISIONS OF LAW.—This section and the processes and procedures established under this section shall not be construed to apply to paragraphs (6) and (7) of section 3001(j) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(j)).''.

(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), as amended by subsection (c), is further amended by inserting after the item relating to section 801A the following:

''Sec. 801B. Right to appeal.''.

SEC. 9402. ESTABLISHING PROCESS PARITY FOR SECURITY CLEARANCE REVOCATIONS.

Subparagraph (C) of section 3001(j)(4) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(j)(4)) is amended to read as follows:

''(C) BURDENS OF PROOF.—

''(i) IN GENERAL.—Subject to clause (iii), in determining whether the adverse security clearance or access determination violated paragraph (1), the agency shall find that paragraph (1) was violated if the individual has demonstrated that a disclosure described in paragraph (1) was a contributing factor in the adverse security clearance or access determination taken against the individual.

''(ii) CIRCUMSTANTIAL EVIDENCE.—An individual under clause (i) may demonstrate that the disclosure was a contributing factor in the adverse security clearance or access determination taken against the individual through circumstantial evidence, such as evidence that—

''(I) the official making the determination knew of the disclosure; and

''(II) the determination occurred within a period such that a reasonable person could conclude that the disclosure was a contributing factor in the determination.

''(iii) DEFENSE.—In determining whether the adverse security clearance or access determination violated paragraph (1), the agency shall not find that paragraph (1) was violated if, after a finding that a disclosure was a contributing factor, the agency demonstrates by clear and convincing evidence that it would have made the same security clearance or access determination in the absence of such disclosure.''.

SEC. 9403. FEDERAL POLICY ON SHARING OF DEROGATORY INFORMATION PERTAINING TO CONTRACTOR EMPLOYEES IN THE TRUSTED WORKFORCE.

(a) POLICY REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Security Executive Agent, in coordination with the principal members of the Performance Accountability Council and the Attorney General, shall issue a policy for the Federal Government on sharing of derogatory information pertaining to contractor employees engaged by the Federal Government.

(b) CONSENT REQUIREMENT.—

(1) IN GENERAL.—The policy issued under subsection (a) shall require, as a condition of accepting a security clearance with the Federal Government, that a contractor employee provide prior written consent for the Federal Government to share covered derogatory information with the chief security officer of the contractor employer that employs the contractor employee.

(2) COVERED DEROGATORY INFORMATION.—For purposes of this section, covered derogatory information—

(A) is information that—

(i) contravenes National Security Adjudicative Guidelines as specified in Security Executive Agent Directive 4 (10 C.F.R. 710 app. A), or any successor Federal policy;

(ii) a Federal Government agency certifies is accurate and reliable;

(iii) is relevant to a contractor's ability to protect against insider threats as required by section 1–202 of the National Industrial Security Program Operating Manual (NISPOM), or successor manual; and

(iv) may have a bearing on the contractor employee's suitability for a position of public trust or to receive credentials to access certain facilities of the Federal Government; and

(B) shall include any negative information considered in the adjudicative process, including information provided by the contractor employee on forms submitted for the processing of the contractor employee's security clearance.

(c) ELEMENTS.—The policy issued under subsection (a) shall—

(1) require Federal agencies, except under exceptional circumstances specified by the Security Executive Agent, to share with the contractor employer of a contractor employee engaged with the Federal Government the existence of potentially derogatory information and which National Security Adjudicative Guideline it falls under, with the exception that the Security Executive Agent may waive such requirement in circumstances the Security Executive Agent considers extraordinary;

(2) require that covered derogatory information shared with a contractor employer as described in subsection (b)(1) be used by the contractor employer exclusively for risk mitigation purposes under section 1–202 of the National Industrial Security Program Operating Manual, or successor manual;

(3) require Federal agencies to share any mitigation measures in place to address the derogatory information;

(4) establish standards for timeliness for sharing the derogatory information;

(5) specify the methods by which covered derogatory information will be shared with the contractor employer of the contractor employee;

(6) allow the contractor employee, within a specified timeframe, the right—

(A) to contest the accuracy and reliability of covered derogatory information;

(B) to address or remedy any concerns raised by the covered derogatory information; and

(C) to provide documentation pertinent to subparagraph (A) or (B) for an agency to place in relevant security clearance databases;

(7) establish a procedure by which the contractor employer of the contractor employee may consult with the Federal Government prior to taking any remedial action under section 1–202 of the National Industrial Security Program Operating Manual, or successor manual, to address the derogatory information the Federal agency has provided;

(8) stipulate that the chief security officer of the contractor employer is prohibited from sharing or discussing covered derogatory information with other parties, including nonsecurity professionals at the contractor employer; and

(9) require companies in the National Industrial Security Program to comply with the policy.

(d) CONSIDERATION OF LESSONS LEARNED FROM INFORMATION-SHARING PROGRAM FOR POSITIONS OF TRUST AND SECURITY CLEARANCES.—In developing the policy issued under subsection (a), the Director shall consider, to the extent available, lessons learned from actions taken to carry out section 6611(f) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92).

TITLE XCV—REPORTS AND OTHER MATTERS

SEC. 9501. REPORT ON ATTEMPTS BY FOREIGN ADVERSARIES TO BUILD TELECOMMUNICATIONS AND CYBERSECURITY EQUIPMENT AND SERVICES FOR, OR TO PROVIDE SUCH EQUIPMENT AND SERVICES TO, CERTAIN ALLIES OF THE UNITED STATES.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) FIVE EYES COUNTRY.—The term ''Five Eyes country'' means any of the following:

(A) Australia.

(B) Canada.

(C) New Zealand.

(D) The United Kingdom.

(E) The United States.

(b) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency, the Director of the National Security Agency, and the Director of the Defense Intelligence Agency shall jointly submit to the appropriate committees of Congress a report on attempts by foreign adversaries to build telecommunications and cybersecurity equipment and services for, or to provide such equipment and services to, Five Eyes countries.

(c) ELEMENTS.—The report submitted under subsection (b) shall include the following:

(1) An assessment of United States intelligence sharing and intelligence and military force posture in any Five Eyes country that currently uses or intends to use telecommunications or cybersecurity equipment or services provided by a foreign adversary of the United States, including China and Russia.

(2) A description and assessment of mitigation of any potential compromises or risks for any circumstance described in paragraph (1).

(d) FORM.—The report required by subsection (b) shall include an unclassified executive summary, and may include a classified annex.

SEC. 9502. REPORT ON THREATS POSED BY USE BY FOREIGN GOVERNMENTS AND ENTITIES OF COMMERCIALLY AVAILABLE CYBER INTRUSION AND SURVEILLANCE 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 the threats posed by the use by foreign governments and entities of commercially available cyber intrusion and other surveillance technology.

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

(1) Matters relating to threats described in subsection (a) as they pertain to the following:

(A) The threat posed to United States persons and persons inside the United States.

(B) The threat posed to United States personnel overseas.

(C) The threat posed to employees of the Federal Government, including through both official and personal accounts and devices.

(2) A description of which foreign governments and entities pose the greatest threats from the use of technology described in subsection (a) and the nature of those threats.

(3) An assessment of the source of the commercially available cyber intrusion and other surveillance technology that poses the threats described in subsection (a), including whether such technology is made by United States companies or companies in the United States or by foreign companies.

(4) An assessment of actions taken, as of the date of the enactment of this Act, by the Federal Government and foreign governments to limit the export of technology described in subsection (a) from the United States or foreign countries to foreign governments and entities in ways that pose the threats described in such subsection.

(5) Matters relating to how the Federal Government, Congress, and foreign governments can most effectively mitigate the threats described in subsection (a), including matters relating to the following:

(A) Working with the technology and telecommunications industry to identify and improve the security of consumer software and hardware used by United States persons and persons inside the United States that is targeted by commercial cyber intrusion and surveillance software.

(B) Export controls.

(C) Diplomatic pressure.

(D) Trade agreements.

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

SEC. 9503. REPORTS ON RECOMMENDATIONS OF THE CYBERSPACE SOLARIUM COMMISSION.

(a) APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services, the Select Committee on Intelligence, the Committee on Homeland Security and Governmental Affairs, the Committee on Commerce, Science, and Transportation, and the Committee on Energy and Natural Resources of the Senate; and

(2) the Committee on Armed Services, the Permanent Select Committee on Intelligence, the Committee on Homeland Security, the Committee on Science, Space, and Technology, and the Committee on Energy and Commerce of the House of Representatives.

(b) REPORTS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, each head of an agency described in subsection (c) shall submit to the appropriate committees of Congress a report on the recommendations included in the report issued by the Cyberspace Solarium Commission under section 1652(k) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232).

(c) AGENCIES DESCRIBED.—The agencies described in this subsection are the following:

(1) The Office of the Director of National Intelligence.

(2) The Department of Homeland Security.

(3) The Department of Energy.

(4) The Department of Commerce.

(5) The Department of Defense.

(d) CONTENTS.—Each report submitted under subsection (b) by the head of an agency described in subsection (c) shall include the following:

(1) An evaluation of the recommendations in the report described in subsection (b) that the agency identifies as pertaining directly to the agency.

(2) A description of the actions taken, or the actions that the head of the agency may consider taking, to implement any of the recommendations (including a comprehensive estimate of requirements for appropriations to take such actions).

SEC. 9504. ASSESSMENT OF CRITICAL TECHNOLOGY TRENDS RELATING TO ARTIFICIAL INTELLIGENCE, MICROCHIPS, AND SEMICONDUCTORS AND RELATED SUPPLY CHAINS.

(a) ASSESSMENT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall complete a detailed assessment of critical technology trends relating to artificial intelligence, microchips, and semiconductors and related supply chains.

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

(1) EXPORT CONTROLS.—

(A) IN GENERAL.—An assessment of efforts by partner countries to enact and implement export controls and other technology transfer measures with respect to artificial intelligence, microchips, advanced manufacturing equipment, and other artificial intelligence enabled technologies critical to United States supply chains.

(B) IDENTIFICATION OF OPPORTUNITIES FOR COOPERATION.—The assessment under subparagraph (A) shall identify opportunities for further cooperation with international partners on a multilateral and bilateral basis to strengthen export control regimes and address technology transfer threats.

(2) SEMICONDUCTOR SUPPLY CHAINS.—

(A) IN GENERAL.—An assessment of global semiconductor supply chains, including areas to reduce United States vulnerabilities and maximize points of leverage.

(B) ANALYSIS OF POTENTIAL EFFECTS.—The assessment under subparagraph (A) shall include an analysis of the potential effects of significant geopolitical shifts, including those related to Taiwan.

(C) IDENTIFICATION OF OPPORTUNITIES FOR DIVERSIFICATION.—The assessment under subparagraph (A) shall also identify opportunities for diversification of United States supply chains, including an assessment of cost, challenges, and opportunities to diversify manufacturing capabilities on a multinational basis.

(3) COMPUTING POWER.—An assessment of trends relating to computing power and the effect of such trends on global artificial intelligence development and implementation, in consultation with the Director of the Intelligence Advanced Research Projects Activity, the Director of the Defense Advanced Research Projects Agency, and the Director of the National Institute of Standards and Technology, including forward-looking assessments of how computing resources may affect United States national security, innovation, and implementation relating to artificial intelligence.

(c) REPORT.—

(1) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this subsection, the term ''appropriate committees of Congress'' means—

(A) the Select Committee on Intelligence, the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Foreign Relations of the Senate; and

(B) the Permanent Select Committee on Intelligence, the Committee on Armed Services, the Committee on Financial 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 shall submit to the appropriate committees of Congress a report on the findings of the Director with respect to the assessment completed under subsection (a).

(3) FORM.—The report submitted under paragraph (2) shall be submitted in unclassified form, but may include a classified annex.

SEC. 9505. COMBATING CHINESE INFLUENCE OPERATIONS IN THE UNITED STATES AND STRENGTHENING CIVIL LIBERTIES PROTECTIONS.

(a) UPDATES TO ANNUAL REPORTS ON INFLUENCE OPERATIONS AND CAMPAIGNS IN THE UNITED STATES BY THE CHINESE COMMUNIST PARTY.—Section 1107(b) of the National Security Act of 1947 (50 U.S.C. 3237(b)) is amended—

(1) by redesignating paragraph (8) as paragraph (9); and

(2) by inserting after paragraph (7) the following:

''(8) An identification of influence activities and operations employed by the Chinese Communist Party against the United States science and technology sectors, specifically employees of the United States Government, researchers, scientists, and students in the science and technology sector in the United States.''.

(b) PLAN FOR FEDERAL BUREAU OF INVESTIGATION TO INCREASE PUBLIC AWARENESS AND DETECTION OF INFLUENCE ACTIVITIES BY THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA.—

(1) PLAN REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to the congressional intelligence committees a plan—

(A) to increase public awareness of influence activities by the Government of the People's Republic of China; and

(B) to publicize mechanisms that members of the public can use—

(i) to detect such activities; and

(ii) to report such activities to the Bureau.

(2) CONSULTATION.—In carrying out paragraph (1), the Director shall consult with the following:

(A) The Director of the Office of Science and Technology Policy.

(B) Such other stakeholders outside the intelligence community, including professional associations, institutions of higher education, businesses, and civil rights and multicultural organizations, as the Director determines relevant.

(c) RECOMMENDATIONS OF THE FEDERAL BUREAU OF INVESTIGATION TO STRENGTHEN RELATIONSHIPS AND BUILD TRUST WITH COMMUNITIES OF INTEREST.—

(1) IN GENERAL.—The Director of the Federal Bureau of Investigation, in consultation with the Assistant Attorney General for the Civil Rights Division and the Chief Privacy and Civil Liberties Officer of the Department of Justice, shall develop recommendations to strengthen relationships with communities targeted by influence activities of the Government of the People's Republic of China and build trust with such communities through local and regional grassroots outreach.

(2) SUBMITTAL TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Director shall submit to Congress the recommendations developed under paragraph (1).

(d) TECHNICAL CORRECTIONS.—The National Security Act of 1947 (50 U.S.C. 3001 et seq.) is amended—

(1) in section 1107 (50 U.S.C. 3237)—

(A) in the section heading, by striking ''**COMMUNIST PARTY OF CHINA**'' and inserting ''**CHINESE COMMUNIST PARTY**''; and

(B) by striking ''Communist Party of China'' both places it appears and inserting ''Chinese Communist Party''; and

(2) in the table of contents before section 2 (50 U.S.C. 3002), by striking the item relating to section 1107 and inserting the following new item:

''Sec. 1107. Annual reports on influence operations and campaigns in the United States by the Chinese Communist Party.''.

SEC. 9506. ANNUAL REPORT ON CORRUPT ACTIVITIES OF SENIOR OFFICIALS OF THE CHINESE COMMUNIST PARTY.

(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Banking, Housing, and Urban Affairs, the Committee on Finance, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Financial Services, the Committee on Foreign Affairs, the Committee on Ways and Means, and the Permanent Select Committee on Intelligence of the House of Representatives.

(b) ANNUAL REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter through 2025, the Director of the Central Intelligence Agency shall submit to the appropriate committees of Congress a report on the corruption and corrupt activities of senior officials of the Chinese Communist Party.

(2) ELEMENTS.—

(A) IN GENERAL.—Each report under paragraph (1) shall include the following:

(i) A description of the wealth of, and corruption and corrupt activities among, senior officials of the Chinese Communist Party.

(ii) A description of any recent actions of the officials described in clause (i) that could be considered a violation, or potential violation, of United States law.

(iii) A description and assessment of targeted financial measures, including potential targets for designation of the officials described in clause (i) for the corruption and corrupt activities described in that clause and for the actions described in clause (ii).

(B) SCOPE OF REPORTS.—The first report under paragraph (1) shall include comprehensive information on the matters described in subparagraph (A). Any succeeding report under paragraph (1) may consist of an update or supplement to the preceding report under that subsection.

(3) COORDINATION.—In preparing each report, update, or supplement under this subsection, the Director of the Central Intelligence Agency shall coordinate as follows:

(A) In preparing the description required by clause (i) of paragraph (2)(A), the Director of the Central Intelligence Agency shall coordinate with the head of the Office of Intelligence and Analysis of the Department of the Treasury and the Director of the Federal Bureau of Investigation.

(B) In preparing the descriptions required by clauses (ii) and (iii) of such paragraph, the Director of the Central Intelligence Agency shall coordinate with the head of the Office of Intelligence and Analysis of the Department of the Treasury.

(4) FORM.—Each report under paragraph (1) shall include an unclassified executive summary, and may include a classified annex.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the United States should undertake every effort and pursue every opportunity to expose the corruption and illicit practices of senior officials of the Chinese Communist Party, including President Xi Jinping.

SEC. 9507. REPORT ON CORRUPT ACTIVITIES OF RUSSIAN AND OTHER EASTERN EUROPEAN OLIGARCHS.

(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Banking, Housing, and Urban Affairs, the Committee on Finance, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Financial Services, the Committee on Foreign Affairs, the Committee on Ways and Means, and the Permanent Select Committee on Intelligence of the House of Representatives.

(b) REPORT REQUIRED.—Not later than 100 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall submit to the appropriate committees of Congress and the Undersecretary of State for Public Diplomacy and Public Affairs a report on the corruption and corrupt activities of Russian and other Eastern European oligarchs.

(c) ELEMENTS.—

(1) IN GENERAL.—Each report under subsection (b) shall include the following:

(A) A description of corruption and corrupt activities among Russian and other Eastern European oligarchs who support the Government of the Russian Federation, including estimates of the total assets of such oligarchs.

(B) An assessment of the impact of the corruption and corrupt activities described pursuant to subparagraph (A) on the economy and citizens of Russia.

(C) A description of any connections to, or support of, organized crime, drug smuggling, or human trafficking by an oligarch covered by subparagraph (A).

(D) A description of any information that reveals corruption and corrupt activities in Russia among oligarchs covered by subparagraph (A).

(E) A description and assessment of potential sanctions actions that could be imposed upon oligarchs covered by subparagraph (A) who support the leadership of the Government of Russia, including President Vladimir Putin.

(2) SCOPE OF REPORTS.—The first report under subsection (a) shall include comprehensive information on the matters described in paragraph (1). Any succeeding report under subsection (a) may consist of an update or supplement to the preceding report under that subsection.

(d) COORDINATION.—In preparing each report, update, or supplement under this section, the Director of the Central Intelligence Agency shall coordinate as follows:

(1) In preparing the assessment and descriptions required by subparagraphs (A) through (D) of subsection (c)(1), the Director of the Central Intelligence Agency shall coordinate with the head of the Office of Intelligence and Analysis of the Department of the Treasury and the Director of the Federal Bureau of Investigation.

(2) In preparing the description and assessment required by subparagraph (E) of such subsection, the Director of the Central Intelligence Agency shall coordinate with the head of the Office of Intelligence and Analysis of the Department of the Treasury.

(e) FORM.—

(1) IN GENERAL.—Subject to paragraph (2), each report under subsection (b) shall include an unclassified executive summary, and may include a classified annex.

(2) UNCLASSIFIED FORM OF CERTAIN INFORMATION.—The information described in subsection (c)(1)(D) in each report under subsection (b) shall be submitted in unclassified form.

SEC. 9508. REPORT ON BIOSECURITY RISK AND DISINFORMATION BY THE CHINESE COMMUNIST PARTY AND THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Select Committee on Intelligence, the Committee on Armed Services, the Committee on Foreign Relations, the Committee

on Health, Education, Labor, and Pensions, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Permanent Select Committee on Intelligence, the Committee on Armed Services, the Committee on Energy and Commerce, the Committee on Foreign Affairs, and the Committee on Homeland Security of the House of Representatives.

(2) CRITICAL INFRASTRUCTURE.—The term ''critical infrastructure'' has the meaning given such term in section 1016(e) of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 (42 U.S.C. 5195c(e)).

(b) REPORT REQUIRED.—Not later than 90 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 identifying whether and how officials of the Chinese Communist Party and the Government of the People's Republic of China may have sought—

(1) to suppress information about—

(A) the outbreak of the novel coronavirus in Wuhan;

(B) the spread of the virus through China; and

(C) the transmission of the virus to other countries;

(2) to spread disinformation relating to the pandemic; or

(3) to exploit the pandemic to advance their national security interests.

(c) ASSESSMENTS.—The report required by subsection (b) shall include assessments of reported actions and the effect of those actions on efforts to contain the novel coronavirus pandemic, including each of the following:

(1) The origins of the novel coronavirus outbreak, the time and location of initial infections, and the mode and speed of early viral spread.

(2) Actions taken by the Government of China to suppress, conceal, or misinform the people of China and those of other countries about the novel coronavirus outbreak in Wuhan.

(3) The effect of disinformation or the failure of the Government of China to fully disclose details of the outbreak on response efforts of local governments in China and other countries.

(4) Diplomatic, political, economic, intelligence, or other pressure on other countries and international organizations to conceal information about the spread of the novel coronavirus and the response of the Government of China to the contagion, as well as to influence or coerce early responses to the pandemic by other countries.

(5) Efforts by officials of the Government of China to deny access to health experts and international health organizations to afflicted individuals in Wuhan, pertinent areas of the city, or laboratories of interest in China, including the Wuhan Institute of Virology.

(6) Efforts by the Government of China, or those acting at its direction or with its assistance, to conduct cyber operations against international, national, or private health organizations conducting research relating to the novel coronavirus or operating in response to the pandemic.

(7) Efforts to control, restrict, or manipulate relevant segments of global supply chains, particularly in the sale, trade, or provision of relevant medicines, medical supplies, or medical equipment as a result of the pandemic.

(8) Efforts to advance the economic, intelligence, national security, and political objectives of the Government of China by exploiting vulnerabilities of foreign governments, economies, and companies under financial duress as a result of the pandemic or to accelerate economic espionage and intellectual property theft.

(9) Efforts to exploit the disruption of the pharmaceutical and telecommunications industries as well as other industries tied to critical infrastructure and bilateral trade between China and the United States and between China and allies and partners of the United States in order to advance the economic and political objectives of the Government of China following the pandemic.

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

SEC. 9509. REPORT ON EFFECT OF LIFTING OF UNITED NATIONS ARMS EMBARGO ON ISLAMIC REPUBLIC OF IRAN.

(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Select Committee on Intelligence, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate; and

(2) the Permanent Select Committee on Intelligence, the Committee on Armed Services, and the Committee on Foreign Affairs of the House of Representatives.

(b) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Director of the Defense Intelligence Agency, in consultation with such heads of other elements of the intelligence community as the Director considers appropriate, shall submit to the appropriate committees of Congress a report on—

(1) the plans of the Government of the Islamic Republic of Iran to acquire military arms if the ban on arms transfers to or from such government under United Nations Security Council resolutions are lifted; and

(2) the effect such arms acquisitions may have on regional security and stability.

(c) CONTENTS.—The report submitted under subsection (b) shall include assessments relating to plans of the Government of the Islamic Republic of Iran to acquire additional weapons, the intention of other countries to provide such weapons, and the effect such acquisition and provision would have on regional stability, including with respect to each of the following:

(1) The type and quantity of weapon systems under consideration for acquisition.

(2) The countries of origin of such systems.

(3) Likely reactions of other countries in the region to such acquisition, including the potential for proliferation by other countries in response.

(4) The threat that such acquisition could present to international commerce and energy supplies in the region, and the potential implications for the national security of the United States.

(5) The threat that such acquisition could present to the Armed Forces of the United States, of countries allied with the United States, and of countries partnered with the United States stationed in or deployed in the region.

(6) The potential that such acquisition could be used to deliver chemical, biological, or nuclear weapons.

(7) The potential for the Government of the Islamic Republic of Iran to proliferate weapons acquired in the absence of an arms embargo to regional groups, including Shi'a militia groups backed by such government.

(d) FORM.—The report submitted under subsection (b) shall be submitted in unclassified form, but may include a classified annex.

SEC. 9510. REPORT ON IRANIAN ACTIVITIES RELATING TO NUCLEAR NONPROLIFERATION.

(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Select Committee on Intelligence, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate; and

(2) the Permanent Select Committee on Intelligence, the Committee on Armed Services, and the Committee on Foreign Affairs of the House of Representatives.

(b) REPORT REQUIRED.—Not later than 90 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 assessing—

(1) any relevant activities potentially relating to nuclear weapons research and development by the Islamic Republic of Iran; and

(2) any relevant efforts to afford or deny international access in accordance with international nonproliferation agreements.

(c) ASSESSMENTS.—The report required by subsection (b) shall include assessments, for the period beginning on January 1, 2018, and ending on the date of the submittal of the report, of the following:

(1) Activities to research, develop, or enrich uranium or reprocess plutonium with the intent or capability of creating weapons-grade nuclear material.

(2) Research, development, testing, or design activities that could contribute to or inform construction of a device intended to initiate or capable of initiating a nuclear explosion.

(3) Efforts to receive, transmit, store, destroy, relocate, archive, or otherwise preserve research, processes, products, or enabling materials relevant or relating to any efforts assessed under paragraph (1) or (2).

(4) Efforts to afford or deny international access, in accordance with international nonproliferation agreements, to locations, individuals, and materials relating to activities described in paragraph (1), (2), or (3).

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

SEC. 9511. SENSE OF CONGRESS ON THIRD OPTION FOUNDATION.

It is the sense of the Congress that—

(1) the work of the Third Option Foundation to heal, help, and honor members of the special operations community of the Central Intelligence Agency and their families is invaluable; and

(2) the Director of the Central Intelligence Agency should work closely with the Third Option Foundation in implementing section 19A of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3519b), as added by section 6412 of the Damon Paul Nelson and Matthew Young Pollard Intelligence Authorization Act for Fiscal Years 2018, 2019, and 2020 (Public Law 116–92).

SA 2302. Mr. CRAPO submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXXI, add the following:

Subtitle G—Radiation Compensation Exposure

SEC. 3171. SHORT TITLE.

This subtitle may be cited as the ''Radiation Exposure Compensation Act Amendments of 2020''.

SEC. 3172. REFERENCES.

Except as otherwise specifically provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to or repeal of a section or other provision of law, the reference shall be considered to be made to a section or other provision of the Radiation Exposure Compensation Act (Public Law 101–426; 42 U.S.C. 2210 note).

SEC. 3173. EXTENSION OF FUND.

Section 3(d) is amended—

(1) by striking the first sentence and inserting ''The Fund shall terminate 19 years after the date of the enactment of the Radiation Exposure Compensation Act Amendments of 2020.''; and

(2) by striking ''22-year'' and inserting ''19-year''.

SEC. 3174. CLAIMS RELATING TO ATMOSPHERIC TESTING.

(a) LEUKEMIA CLAIMS RELATING TO TRINITY TEST IN NEW MEXICO AND TESTS IN THE PACIFIC.—Section 4(a)(1)(A) is amended—

(1) in clause (i)—

(A) in subclause (II)—

(i) by striking ''in the affected area'' and inserting ''in an affected area''; and

(ii) by striking ''or'' after the semicolon;

(B) by redesignating subclause (III) as subclause (V); and

(C) by inserting after subclause (II) the following:

''(III) was physically present in an affected area for the period beginning on June 30, 1945, and ending on July 31, 1945; or

''(IV) was physically present in an affected area—

''(aa) for a period of at least 1 year during the period beginning on June 30, 1946, and ending on August 19, 1958; or

''(bb) for the period beginning on April 25, 1962, and ending on November 5, 1962; or''; and

(2) in clause (ii)(I), by striking ''physical presence described in subclause (I) or (II) of clause (i) or onsite participation described in clause (i)(III)'' and inserting ''physical presence described in subclause (I), (II), (III), or (IV) of clause (i) or onsite participation described in clause (i)(V)''.

(b) AMOUNTS FOR CLAIMS RELATED TO LEUKEMIA.—Section 4(a)(1) is amended—

(1) in subparagraph (A) by striking ''an amount'' and inserting ''the amount''; and

(2) by striking subparagraph (B) and inserting the following:

''(B) AMOUNT.—If the conditions described in subparagraph (C) are met, an individual who is described in subparagraph (A)(i) shall receive $150,000.''.

(c) SPECIFIED DISEASES CLAIMS RELATING TO TRINITY TEST IN NEW MEXICO AND TESTS IN THE PACIFIC.—Section 4(a)(2) is amended—

(1) in subparagraph (A), by striking ''in the affected area'' and inserting ''in an affected area'';

(2) in subparagraph (B)—

(A) by striking ''in the affected area'' and inserting ''in an affected area''; and

(B) by striking ''or'' at the end;

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

(4) by inserting after subparagraph (B) the following:

''(C) was physically present in an affected area for the period beginning on June 30, 1945, and ending on July 31, 1945;

''(D) was physically present in an affected area—

''(i) for a period of at least 2 years during the period beginning on June 30, 1946, and ending on August 19, 1958; or

''(ii) for the period beginning on April 25, 1962, and ending on November 5, 1962; or''.

(d) AMOUNTS FOR CLAIMS RELATED TO SPECIFIED DISEASES.—Section 4(a)(2) is amended in the matter following subparagraph (E) (as redesignated by subsection (c) of this section) by striking ''$50,000 (in the case of an individual described in subparagraph (A) or (B)) or $75,000 (in the case of an individual described in subparagraph (C)),'' and inserting ''$150,000''.

(e) MEDICAL BENEFITS.—Section 4(a) is amended by adding at the end the following:

''(5) MEDICAL BENEFITS.—An individual receiving a payment under this section shall be eligible to receive medical benefits in the same manner and to the same extent as an individual eligible to receive medical benefits under section 3629 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384t).''.

(f) DOWNWIND STATES.—Section 4(b)(1) is amended to read as follows:

''(1) 'affected area' means—

''(A) except as provided under subparagraphs (B) and (C), Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, and Utah;

''(B) with respect to a claim by an individual under subsection (a)(1)(A)(i)(III) or (2)(C), only New Mexico; and

''(C) with respect to a claim by an individual under subsection (a)(1)(A)(i)(IV) or (2)(D), only Guam.''.

SEC. 3175. CLAIMS RELATING TO URANIUM MINING.

(a) EMPLOYEES OF MINES AND MILLS.—Section 5(a)(1)(A)(i) is amended—

(1) by inserting ''(I)'' after ''(i)'';

(2) by striking ''December 31, 1971; and'' and inserting ''December 31, 1990; or''; and

(3) by adding at the end the following:

''(II) was employed as a core driller in a State referred to in subclause (I) during the period described in such subclause; and''.

(b) MINERS.—Section 5(a)(1)(A)(ii)(I) is amended by inserting ''or renal cancer or any other chronic renal disease, including nephritis and kidney tubal tissue injury'' after ''nonmalignant respiratory disease''.

(c) MILLERS, CORE DRILLERS, AND ORE TRANSPORTERS.—Section 5(a)(1)(A)(ii)(II) is amended—

(1) by inserting '', core driller,'' after ''was a miller'';

(2) by inserting ''(I)'' after ''clause (i)''; and

(3) by striking all that follows ''nonmalignant respiratory disease'' and inserting ''or renal cancer or any other chronic renal disease, including nephritis and kidney tubal tissue injury; or''.

(d) COMBINED WORK HISTORIES.—Section 5(a)(1)(A)(ii) is further amended—

(1) by striking ''or'' at the end of subclause (I); and

(2) by adding at the end the following:

''(III)(aa) does not meet the conditions of subclause (I) or (II);

''(bb) worked, during the period described in clause (i)(I), in two or more of the following positions: miner, miller, core driller, and ore transporter;

''(cc) meets the requirements of paragraph (4) or (5), or both; and

''(dd) submits written medical documentation that the individual developed lung cancer or a nonmalignant respiratory disease or renal cancer or any other chronic renal disease, including nephritis and kidney tubal tissue injury after exposure to radiation through work in one or more of the positions referred to in item (aa);''.

(e) DATES OF OPERATION OF URANIUM MINE.—Section 5(a)(2)(A) is amended by striking ''December 31, 1971'' and inserting ''December 31, 1990''.

(f) SPECIAL RULES RELATING TO COMBINED WORK HISTORIES.—Section 5(a) is amended by adding at the end the following:

''(4) SPECIAL RULE RELATING TO COMBINED WORK HISTORIES FOR INDIVIDUALS WITH AT LEAST ONE YEAR OF EXPERIENCE.—An individual meets the requirements of this paragraph if the individual worked in one or more of the positions referred to in paragraph (1)(A)(ii)(III)(bb) for a period of at least one year during the period described in paragraph (1)(A)(i)(I).

''(5) SPECIAL RULE RELATING TO COMBINED WORK HISTORIES FOR MINERS.—An individual meets the requirements of this paragraph if the individual, during the period described in paragraph (1)(A)(i)(I), worked as a miner and was exposed to such number of working level months that the Attorney General determines, when combined with the exposure of such individual to radiation through work as a miller, core driller, or ore transporter during the period described in paragraph (1)(A)(i)(I), results in such individual being exposed to a total level of radiation that is greater or equal to the level of exposure of an individual described in paragraph (4).''.

(g) DEFINITION OF CORE DRILLER.—Section 5(b) is amended—

(1) by striking ''and'' at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting ''; and''; and

(3) by adding at the end the following:

''(9) the term 'core driller' means any individual employed to engage in the act or process of obtaining cylindrical rock samples of uranium or vanadium by means of a borehole drilling machine for the purpose of mining uranium or vanadium.''.

SEC. 3176. EXPANSION OF USE OF AFFIDAVITS IN DETERMINATION OF CLAIMS; REGULATIONS.

(a) AFFIDAVITS.—Section 6(b) is amended by adding at the end the following:

''(3) AFFIDAVITS.—

''(A) EMPLOYMENT HISTORY.—For purposes of this Act, the Attorney General shall accept a written affidavit or declaration as evidence to substantiate the employment history of an individual as a miner, miller, core driller, or ore transporter if the affidavit—

''(i) is provided in addition to other material that may be used to substantiate the employment history of the individual;

''(ii) attests to the employment history of the individual;

''(iii) is made subject to penalty for perjury; and

''(iv) is made by a person other than the individual filing the claim.

''(B) PHYSICAL PRESENCE IN AFFECTED AREA.—For purposes of this Act, the Attorney General shall accept a written affidavit or declaration as evidence to substantiate an individual's physical presence in an affected area during a period described in section 4(a)(1)(A)(i) or section 4(a)(2) if the affidavit—

''(i) is provided in addition to other material that may be used to substantiate the individual's presence in an affected area during that time period;

''(ii) attests to the individual's presence in an affected area during that period;

''(iii) is made subject to penalty for perjury; and

''(iv) is made by a person other than the individual filing the claim.

''(C) PARTICIPATION AT TESTING SITE.—For purposes of this Act, the Attorney General shall accept a written affidavit or declaration as evidence to substantiate an individual's participation onsite in a test involving the atmospheric detonation of a nuclear device if the affidavit—

''(i) is provided in addition to other material that may be used to substantiate the individual's participation onsite in a test involving the atmospheric detonation of a nuclear device;

''(ii) attests to the individual's participation onsite in a test involving the atmospheric detonation of a nuclear device;

''(iii) is made subject to penalty for perjury; and

''(iv) is made by a person other than the individual filing the claim.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 6 is amended—

(1) in subsection (b)(2)(C), by striking ''section 4(a)(2)(C)'' and inserting ''section 4(a)(2)(E)'';

(2) in subsection (c)(2)—

(A) in subparagraph (A)—

(i) in the first sentence, by striking ''subsection (a)(1), (a)(2)(A), or (a)(2)(B) of section 4'' and inserting ''subsection (a)(1), (a)(2)(A), (a)(2)(B), (a)(2)(C), or (a)(2)(D) of section 4''; and

(ii) in clause (i), by striking ''subsection (a)(1), (a)(2)(A), or (a)(2)(B) of section 4'' and inserting ''subsection (a)(1), (a)(2)(A), (a)(2)(B), (a)(2)(C), or (a)(2)(D) of section 4''; and

(B) in subparagraph (B), by striking ''section 4(a)(2)(C)'' and inserting ''section 4(a)(2)(E)''; and

(3) in subsection (e), by striking ''subsection (a)(1), (a)(2)(A), or (a)(2)(B) of section 4'' and inserting ''subsection (a)(1), (a)(2)(A), (a)(2)(B), or (a)(2)(C) of section 4''.

(c) REGULATIONS.—Section 6(k) is amended by adding at the end the following: ''Not later than 180 days after the date of enactment of the Radiation Exposure Compensation Act Amendments of 2020, the Attorney General shall issue revised regulations to carry out this Act.''.

SEC. 3177. LIMITATION ON CLAIMS.

(a) EXTENSION OF FILING TIME.—Section 8(a) is amended—

(1) by striking ''22 years'' and inserting ''19 years''; and

(2) by striking ''2000'' and inserting ''2020''.

(b) RESUBMITTAL OF CLAIMS.—Section 8(b) is amended to read as follows:

''(b) RESUBMITTAL OF CLAIMS.—

''(1) DENIED CLAIMS.—After the date of enactment of the Radiation Exposure Compensation Act Amendments of 2020, any claimant who has been denied compensation under this Act may resubmit a claim for consideration by the Attorney General in accordance with this Act not more than three times. Any resubmittal made before the date of the enactment of the Radiation Exposure Compensation Act Amendments of 2020 shall not be applied to the limitation under the preceding sentence.

''(2) PREVIOUSLY SUCCESSFUL CLAIMS.—

''(A) IN GENERAL.—After the date of enactment of the Radiation Exposure Compensation Act Amendments of 2020, any claimant who received compensation under this Act may submit a request to the Attorney General for additional compensation and benefits. Such request shall contain—

''(i) the claimant's name, social security number, and date of birth;

''(ii) the amount of award received under this Act before the date of enactment of the Radiation Exposure Compensation Act Amendments of 2020;

''(iii) any additional benefits and compensation sought through such request; and

''(iv) any additional information required by the Attorney General.

''(B) ADDITIONAL COMPENSATION.—If the claimant received compensation under this Act before the date of enactment of the Radiation Exposure Compensation Act Amendments of 2020 and submits a request under subparagraph (A), the Attorney General shall—

''(i) pay the claimant the amount that is equal to any excess of—

''(I) the amount the claimant is eligible to receive under this Act (as amended by the Radiation Exposure Compensation Act Amendments of 2020); minus

''(II) the aggregate amount paid to the claimant under this Act before the date of enactment of the Radiation Exposure Compensation Act Amendments of 2020; and

''(ii) in any case in which the claimant was compensated under section 4, provide the claimant with medical benefits under section 4(a)(5).''.

SEC. 3178. ATTORNEY FEES.

Section 9(b)(1) is amended by striking ''2 percent'' and inserting ''10 percent''.

SEC. 3179. GRANT PROGRAM ON EPIDEMIOLOGICAL IMPACTS OF URANIUM MINING AND MILLING.

(a) DEFINITIONS.—In this section—

(1) the term ''institution of higher education'' has the meaning given under section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001);

(2) the term ''program'' means the grant program established under subsection (b); and

(3) the term ''Secretary'' means the Secretary of Health and Human Services.

(b) ESTABLISHMENT.—The Secretary shall establish a grant program relating to the epidemiological impacts of uranium mining and milling. Grants awarded under the program shall be used for the study of the epidemiological impacts of uranium mining and milling among non-occupationally exposed individuals, including family members of uranium miners and millers.

(c) ADMINISTRATION.—The Secretary shall administer the program through the National Institute of Environmental Health Sciences.

(d) ELIGIBILITY AND APPLICATION.—Any institution of higher education or nonprofit private entity shall be eligible to apply for a grant. To apply for a grant an eligible institution or entity shall submit to the Secretary an application at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 2021 through 2023.

SEC. 3179A. ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.

(a) COVERED EMPLOYEES WITH CANCER.—Section 3621(9) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 73841(9)) is amended by striking subparagraph (A) and inserting the following:

''(A) An individual with a specified cancer who is a member of the Special Exposure Cohort, if and only if—

''(i) that individual contracted that specified cancer after beginning employment at a Department of Energy facility (in the case of a Department of Energy employee or Department of Energy contractor employee) or at an atomic weapons employer facility (in the case of an atomic weapons employee); or

''(ii) that individual—

''(I) contracted that specified cancer after beginning employment in a uranium mine or uranium mill described under section 5(a)(1)(A)(i) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) (including any individual who was employed in core drilling or the transport of uranium ore or vanadium-uranium ore from such mine or mill) located in Colorado, New Mexico, Arizona, Wyoming, South Dakota, Washington, Utah, Idaho, North Dakota, Oregon, Texas, or any State the Attorney General makes a determination under section 5(a)(2) of that Act for inclusion of eligibility under section 5(a)(1) of that Act; and

''(II) was employed in a uranium mine or uranium mill described under subclause (I) (including any individual who was employed in core drilling or the transport of uranium ore or vanadium-uranium ore from such mine or mill) at any time during the period beginning on January 1, 1942, and ending on December 31, 1990.''.

(b) MEMBERS OF SPECIAL EXPOSURE COHORT.—Section 3626 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384q) is amended—

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

''(1) The Advisory Board on Radiation and Worker Health under section 3624 shall advise the President whether there is a class of employees—

''(A) at any Department of Energy facility who likely were exposed to radiation at that facility but for whom it is not feasible to estimate with sufficient accuracy the radiation dose they received; and

''(B) employed in a uranium mine or uranium mill described under section 5(a)(1)(A)(i) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) (including any individual who was employed in core drilling or the transport of uranium ore or vanadium-uranium ore from such mine or mill) located in Colorado, New Mexico, Arizona, Wyoming, South Dakota, Washington, Utah, Idaho, North Dakota, Oregon, Texas, and any State the Attorney General makes a determination under section 5(a)(2) of that Act for inclusion of eligibility under section 5(a)(1) of that Act, at any time during the period beginning on January 1, 1942, and ending on December 31, 1990, who likely were exposed to radiation at that mine or mill but for whom it is not feasible to estimate with sufficient accuracy the radiation dose they received.''; and

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

''(b) DESIGNATION OF ADDITIONAL MEMBERS.—

''(1) Subject to the provisions of section 3621(14)(C), the members of a class of employees at a Department of Energy facility, or at an atomic weapons employer facility, may be treated as members of the Special Exposure Cohort for purposes of the compensation program if the President, upon recommendation of the Advisory Board on Radiation and Worker Health, determines that—

''(A) it is not feasible to estimate with sufficient accuracy the radiation dose that the class received; and

''(B) there is a reasonable likelihood that such radiation dose may have endangered the health of members of the class.

''(2) Subject to the provisions of section 3621(14)(C), the members of a class of employees employed in a uranium mine or uranium mill described under section 5(a)(1)(A)(i) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) (including any individual who was employed in core drilling or the transport of uranium ore or vanadium-uranium ore from such mine or mill) located in Colorado, New Mexico, Arizona, Wyoming, South Dakota, Washington, Utah, Idaho, North Dakota, Oregon, Texas, and any State the Attorney General makes a determination under section 5(a)(2) of that Act for inclusion of eligibility under section 5(a)(1) of that Act, at any time during the period beginning on January 1, 1942, and ending on December 31, 1990, may be treated as members of the Special Exposure Cohort for purposes of the compensation program if the President, upon recommendation of the Advisory Board on Radiation and Worker Health, determines that—

''(A) it is not feasible to estimate with sufficient accuracy the radiation dose that the class received; and

''(B) there is a reasonable likelihood that such radiation dose may have endangered the health of members of the class.''.

SA 2303. Ms. MCSALLY submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title I, add the following:

SEC. 114. AUXILIARY POWER UNIT (APU) PROCUREMENT FOR AIRBORNE RECONNAISSANCE-ENHANCED (ARL-E) AIRCRAFT.

(a) INCREASE.—The amount authorized to be appropriated by this Act for fiscal year 2021 for Aircraft Procurement, Army is hereby increased by $10,000,000, with the amount of such increase to be available for the procurement of 10 Auxiliary Power Units (APUs) and other necessary parts for the Airborne Reconnaissance-Enhanced (ARL-E) program.

(b) OFFSET.—The amount authorized to be appropriated for fiscal year 2021 for Operation and Maintenance, Air Force for Other Combat Operations Support Programs is hereby reduced by $10,000,000.

SA 2304. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title XII, add the following:

SEC. ___. REPORT ON THE ACTIVITIES OF THE PEOPLE'S REPUBLIC OF CHINA IN THE WESTERN HEMISPHERE.

(a) IN GENERAL.—The Director of National Intelligence and the Director of the Central Intelligence Agency shall jointly submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the economic, trade, environmental, military, security, and political activities of the People's Republic of China in the Western Hemisphere, including direct investment, development financing, loan deals, and state-owned enterprises in infrastructure and telecommunications projects.

(b) ELEMENT.—The report required by subsection (a) shall include an assessment of the activities of the People's Republic of China with respect to the following projects:

(1) The Port of Panama, Posorja Deepwater Port in Ecuador.

(2) The Port of Paranagual in Brazil.

(3) The China Harbor in the Bahamas.

(4) The telecom infrastructure carried out by Chinese companies, including Huawei and ZTE, in Colombia and Canada.

(5) The construction of the building for the Ministry of Foreign Affairs and Foreign Trade in Kingston, Jamaica.

(6) The building of the Coca Codo Sinclair Dam in Ecuador.

(7) The space-observation station in Argentina.

SA 2305. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section G of title XII, add the following:

SEC. ___. WESTERN HEMISPHERE SECURITY STRATEGY.

(a) IN GENERAL.—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 appropriate committees of Congress a strategy for enhancing security cooperation and security assistance, and advancing United States strategic interests, in the Western Hemisphere.

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

(1) Activities to expand bilateral and multilateral security cooperation in Latin America and the Caribbean so as to maintain consistent United States presence in the region.

(2) Activities to build the defense and security capacity (other than civilian law enforcement) of partner countries in Latin America and the Caribbean.

(3) Activities to counter malign influence of state actors and transnational criminal organizations with connections to illicit trafficking, terrorism, or weapons proliferation.

(4) Efforts to disrupt, degrade, and counter transregional and transnational illicit trafficking, with an emphasis on illicit narcotics and precursor chemicals that produce illicit narcotics.

(5) Activities to provide transparency and support for strong and accountable defense institutions in the region through institutional capacity-building efforts, including efforts to ensure compliance with internationally-recognized human rights standards.

(6) Steps to expand bilateral and multinational military exercises and training with partner countries in Latin America and the Caribbean.

(7) The provision of assistance to such partner countries for regional defense and security organizations and institutions and national military or other security forces (other than civilian law enforcement) that carry out national or regional security missions.

(8) The provision of training and education to defense and security ministries, agencies, and headquarters-level organizations for organizations and forces described in paragraph (7).

(9) Activities to counter misinformation and disinformation campaigns and highlight corrupt, predatory and illegal practices.

(10) The provision of Department of Defense humanitarian assistance and disaster relief to support partner countries by promoting the development and growth of responsive institutions through activities such as—

(A) the provision of equipment, training, logistical support;

(B) transportation of humanitarian supplies or foreign security forces or personnel;

(C) making available, preparing, and transferring on-hand nonlethal Department stocks for humanitarian or health purposes to respond to unforeseen emergencies;

(D) the provision of Department humanitarian demining assistance and conducting physical security and stockpile-management activities; and

(E) as appropriate, conducting medical support operations or medical humanitarian missions, such as hospital ship deployments and base-operating services, to the extent required by the operation.

(11) Continued support for the women, peace, and security efforts of the Department of State to support the capacity of partner countries in the Western Hemisphere—

(A) to ensure that women and girls are safe and secure and the rights of women and girls are protected; and

(B) to promote the meaningful participation of women in the defense and security sectors.

(12) The provision of support to increase the capacity and effectiveness of Department educational programs and institutions, such as the William J. Perry Center, and international institutions, such as the Inter-American Defense Board and the Inter-American Defense College, that promote United States defense objectives through bilateral and regional relationships.

(13) Professional military education initiatives, including International Military and Education Training (IMET) assistance.

(14) The allocation of Navy maritime vessels to the United States 4th Fleet, including the use of ships scheduled to be decommissioned.

(15) A detailed assessment of the resources required to carry out such strategy and a plan to be executed in fiscal year 2022.

(c) APPROPRIATE COMMITTEES OF CONGRESS.—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.

SA 2306. Mr. DAINES submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the following:

SEC. _____. PENALTIES FOR REPRESENTING VETERANS AS AGENTS AND ATTORNEYS WITHOUT RECOGNITION BY SECRETARY OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 5905 of title 38, United States Code, is amended to read as follows:

''§ 5905. Penalty for certain acts

''Whoever commits any of the following acts shall be fined as provided in title 18, or imprisoned for not more than one year, or both:

''(1) Acts or attempts to act as an agent (including as a financial planner, benefits claim advisor, or benefits claim prepper) or attorney for the preparation, presentation, or prosecution of a claim under a law administered by the Secretary—

''(A) without recognition by the Secretary as an agent or attorney under section 5904 of this title; or

''(B) while suspended or excluded under subsection (b) of such section.

''(2) The act of unlawfully withholding from any claimant or beneficiary any part of a benefit or claim under the laws administered by the Secretary that is allowed and due to the claimant or beneficiary.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to acts committed after the date that is 180 days after the date of the enactment of this Act.

SA 2307. Mrs. LOEFFLER submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 808, strike lines 5 through 22 and insert the following:

(a) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the United States Government has a responsibility to undertake all reasonable measures to ensure that members of the Armed Forces never confront a more technologically advanced foe;

(2) the United States maintains its unwavering commitment to the security of Israel as a Jewish state, strongly supports the right of Israel to self-defense, and encourages further development of advanced technology programs between the United States and Israel to enhance common security;

(3) the United States and Israel have several cooperative technology programs to develop and field capabilities in missile defense, countertunneling, and counter-unmanned aerial systems; and

(4) building on positive ongoing efforts, the United States and Israel should further institutionalize and strengthen their defense innovation partnership by establishing a United States-Israel Operations-Technology Working Group to identify and expeditiously field capabilities that the military forces of both countries need to deter and defeat respective adversaries.

SA 2308. Mr. CRUZ (for himself, Ms. SINEMA, Mr. WICKER, Ms. CANTWELL, Mr. KAINE, Mr. CORNYN, and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XVI, add the following:

SEC. 1610. CONTINUATION OF THE INTERNATIONAL SPACE STATION.

(a) PRESENCE IN LOW-EARTH ORBIT.—

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

(A) it is in the national and economic security interests of the United States to maintain a continuous human presence in low-Earth orbit;

(B) the International Space Station is a strategic national security asset vital to the continued space exploration and scientific advancements of the United States; and

(C) low-Earth orbit should be utilized as a testbed to advance human space exploration, scientific discoveries, and United States economic competitiveness and commercial participation.

(2) HUMAN PRESENCE REQUIREMENT.—The United States shall continuously maintain the capability for a continuous human presence in low-Earth orbit through and beyond the useful life of the International Space Station.

(b) MAINTAINING A NATIONAL LABORATORY IN SPACE.—

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

(A) the United States national laboratory in space, which currently consists of the United States segment of the International Space Station (designated as a national laboratory under section 70905 of title 51, United States Code)—

(i) benefits the scientific community and promotes commerce in space;

(ii) fosters stronger relationships among the National Aeronautics and Space Administration (referred to in this section as ''NASA'') and other Federal agencies, the private sector, and research groups and universities;

(iii) advances science, technology, engineering, and mathematics education through utilization of the unique microgravity environment; and

(iv) advances human knowledge and international cooperation;

(B) after the International Space Station is decommissioned, the United States should maintain a national microgravity laboratory in space;

(C) in maintaining a national microgravity laboratory described in subparagraph (B), the United States should make appropriate accommodations for different types of ownership and operational structures for the International Space Station and future space stations;

(D) the national microgravity laboratory described in subparagraph (B) should be maintained beyond the date on which the International Space Station is decommissioned and, if possible, in cooperation with international space partners to the extent practicable; and

(E) NASA should continue to support fundamental science research on future platforms in low-Earth orbit and cis-lunar space, short duration suborbital flights, drop towers, and other microgravity testing environments.

(2) REPORT.—The Administrator of NASA shall produce, in coordination with the National Space Council and other Federal agencies as the Administrator considers relevant, a report detailing the feasibility of establishing a microgravity national laboratory Federally Funded Research and Development Center to undertake the work related to the study and utilization of in-space conditions.

(c) CONTINUATION OF AUTHORITY.—

(1) IN GENERAL.—Section 501(a) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18351(a)) is amended by striking ''2024'' and inserting ''2030''.

(2) MAINTENANCE OF THE UNITED STATES SEGMENT AND ASSURANCE OF CONTINUED OPERATIONS OF THE INTERNATIONAL SPACE STATION.—Section 503(a) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18353(a)) is amended by striking ''2024'' and inserting ''2030''.

(3) RESEARCH CAPACITY ALLOCATION AND INTEGRATION OF RESEARCH PAYLOADS.—Section 504(d) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18354(d)) is amended by striking ''2024'' each place it appears and inserting ''2030''.

(4) MAINTAINING USE THROUGH AT LEAST 2030.—Section 70907 of title 51, United States Code, is amended—

(A) in the section heading, by striking ''**2024**'' and inserting ''**2030**''; and

(B) by striking ''2024'' each place it appears and inserting ''2030''.

(d) TRANSITION PLAN REPORTS.—Section 50111(c)(2) of title 51, United States Code, is amended—

(1) in the matter preceding subparagraph (A), by striking ''2023'' and inserting ''2028''; and

(2) in subparagraph (J), by striking ''2028'' and inserting ''2030''.

(e) EXEMPTION FROM THE IRAN, NORTH KOREA, AND SYRIA NONPROLIFERATION ACT.—Section 7(1) of the Iran, North Korea, and Syria Nonproliferation Act (Public Law 106–178; 50 U.S.C. 1701 note) is amended, in the undesignated matter following subparagraph (B), by striking ''December 31, 2025'' and inserting ''December 31, 2030''.

(f) DEPARTMENT OF DEFENSE ACTIVITIES ON INTERNATIONAL SPACE STATION.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall—

(A) identify and review each activity, program, and project of the Department of Defense completed, being carried out, or planned to be carried out on the International Space Station as of the date of the review; and

(B) provide to the appropriate committees of Congress a briefing that describes the results of the review.

(2) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ''appropriate committees of Congress'' means—

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

(B) the Committee on Armed Services, the Committee on Science, Space, and Technology, and the Committee on Appropriations of the House of Representatives.

SA 2309. Ms. BALDWIN submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VIII, add the following:

SEC. 815. DOMESTIC SOURCING REQUIREMENTS FOR CERTAIN COMPONENTS FOR AUXILIARY SHIPS.

(a) ADDITIONAL PROCUREMENT LIMITATION.—Section 2534(a)(6) of title 10, United States Code, is amended to read as follows:

''(6) COMPONENTS FOR AUXILIARY SHIPS.—Subject to subsection (k), the following components must be engineered, manufactured and assembled in the United States:

''(A) Auxiliary equipment, including pumps, for all shipboard services.

''(B) Propulsion system components, including engines, reduction gears, and propellers.

''(C) Shipboard cranes.

''(D) Spreaders for shipboard cranes.

''(E) Medium-speed diesel engines.

''(F) Power Distribution equipment, Energy Storage Systems, energy storage/magazine equipment.

''(G) Auxiliary propulsion units and systems, including bow and tunnel thrusters, waterjets, dynamic positioning systems, and hybrid propulsion systems.

''(H) Ship service power generators and emergency generators, and hybrid drive systems.

''(I) Military Qualified Wire and Cable and derived products.

''(J) Propulsion shafting.

''(K) Crankshafts for marine engines.

''(L) Specialized Valves for pneumatic, fuel, firefighting, countermeasure wash down, and chilled water systems.

''(M) Air circuit breakers.

''(N) LV and HV switchgear.

''(O) Power converters.

''(P) Power inverters.

''(Q) Frequency converters.

''(R) Aircraft Electrical Starting Stations (AESS).

''(S) Degaussing systems.

''(T) Static Automatic Bus Transfer Switches (SABTs).

''(U) Inertial navigation systems and gyrocompass.

''(V) Propulsion and ship's service diesel engines.''.

(b) IMPLEMENTATION.—The second subsection in section 2534 of title 10, United States Code, designated as subsection (k) is amended to read as follows:

''(l) IMPLEMENTATION OF AUXILIARY SHIP COMPONENT LIMITATION.—Subsection (a)(6) applies only with respect to contracts awarded by the Secretary of a military department for new construction of an auxiliary ship after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2021 using funds available for National Defense Sealift Fund programs or Shipbuilding and Conversion, Navy. For purposes of this subsection, the term 'auxiliary ship' does not include an icebreaker.''.

SA 2310. Mrs. LOEFFLER submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 808, strike lines 5 through 22 and insert the following:

(a) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the United States Government has a responsibility to undertake all reasonable measures to ensure that members of the Armed Forces never confront a more technologically advanced foe;

(2) pursuant to section 3 of the United States-Israel Enhanced Security Cooperation Act of 2012 (22 U.S.C. 8602), it is the policy of the United States to affirm the unwavering commitment of the United States to the security of Israel as a Jewish state, support the right of Israel to self-defense and encourage further development of advanced technology programs between the United States and Israel;

(3) the United States and Israel have several cooperative technology programs to develop and field capabilities in missile defense, countertunneling, and counter-unmanned aerial systems; and

(4) building on positive ongoing efforts, the United States and Israel should further institutionalize and strengthen their defense innovation partnership by establishing a United States-Israel Operations-Technology Working Group to identify and expeditiously field capabilities that the military forces of both countries need to deter and defeat respective adversaries.

SA 2311. Mr. CASSIDY submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. STUDY ON FEASIBILITY OF CRUDE OIL STOCKPILES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Energy (referred to in this section as the ''Secretary'') shall conduct a study on the cost effectiveness, economic benefits, and feasibility of establishing, maintaining, and operating additional crude oil stockpiles.

(b) CONSIDERATIONS.—In conducting the study under subsection (a), the Secretary shall take into consideration—

(1) the economic, environmental, and energy security costs and benefits of additional storage locations both above and below ground, including the use of private sector and State-owned sites; and

(2) factors that impact how quickly a storage facility could be used to absorb additional crude oil.

(c) REPORT.—As soon as practicable after completing the study under subsection (a), the Secretary shall submit to the appropriate committees of jurisdiction of the Senate and the House of Representatives a report describing the findings and recommendations of the study.

SA 2312. Mr. INHOFE (for himself and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ANNUITY SUPPLEMENT.

(a) IN GENERAL.—Section 8421a(c) of title 5, United States Code, is amended—

(1) by striking ''as an air traffic'' and inserting the following: ''as an—

''(1) air traffic'';

(2) in paragraph (1), as so designated, by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(2) air traffic controller pursuant to a contract made with the Secretary of Transportation under section 47124 of title 49.''.

(b) EFFECTIVE DATE.—This section, and the amendments made by this section, shall take effect on October 1, 2021.

SA 2313. Ms. CORTEZ MASTO (for herself, Ms. ROSEN, Mr. HEINRICH, Mr. MANCHIN, and Mr. COONS) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title XXXI, add the following:

SEC. 3168. REQUIREMENT FOR APPROVAL OF CONGRESS FOR CONDUCT OF EXPLOSIVE NUCLEAR TESTING.

Section 4210(a) of the Atomic Energy Defense Act (50 U.S.C. 2530(a)) is amended to read as follows:

''(a) EXPLOSIVE NUCLEAR TESTING.—

''(1) IN GENERAL.—No explosive nuclear testing may be conducted by the United States after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2021, and none of the funds described in paragraph (2) may be obligated or expended to conduct such testing, unless—

''(A)(i) a foreign state conducts a nuclear test after that date; or

''(ii) there is a technical need for such testing;

''(B) not less than 180 days before the date proposed to conduct such testing, the President submits to Congress a notification described in paragraph (3) with respect to such testing; and

''(C) a joint resolution approving the testing with respect to which the notification is submitted under subparagraph (B) is enacted into law—

''(i) in the case of testing proposed to be conducted after a foreign state conducts a nuclear test—

''(I) without use of expedited procedures under paragraph (4); but

''(II) requiring, for passage in the Senate, the affirmative vote of two-thirds of Senators, duly chosen and sworn; or

''(ii) in the case of testing proposed to be conducted because there is a technical need for such testing, pursuant to paragraph (4).

''(2) FUNDS DESCRIBED.—The funds described in this paragraph are funds—

''(A) authorized to be appropriated or otherwise made available for fiscal year 2021 or any fiscal year thereafter; or

''(B) authorized to be appropriated or otherwise made available for any fiscal year before fiscal year 2021 and available for obligation as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2021.

''(3) NOTIFICATION DESCRIBED.—

''(A) IN GENERAL.—A notification described in this paragraph with respect to a proposal to conduct explosive nuclear testing shall include—

''(i) a description of the testing proposed to be conducted;

''(ii) a statement of the reasons for conducting the testing, including—

''(I) whether or not there is a technical need for conducting the testing;

''(II) if there is a technical need for conducting the testing—

''(aa) a description of the technical need;

''(bb) an assessment of alternative options for addressing the need; and

''(cc) an explanation of why those options were not selected; and

''(III) if the reason for conducting the testing is in response to a geopolitical event under the responsibility of the President acting as the Commander in Chief of the Armed Forces, a detailed explanation of why the testing would be in the supreme national interest of the United States;

''(iii) an estimate of the timelines and costs of conducting the testing; and

''(iv) any other information the President considers relevant.

''(B) FORM.—A notification described in subparagraph (A) shall be submitted in unclassified form but may include a classified annex.

''(4) JOINT RESOLUTION OF APPROVAL FOR EXPLOSIVE NUCLEAR TESTING FOR WHICH THERE IS A TECHNICAL NEED.—

''(A) JOINT RESOLUTION OF APPROVAL DEFINED.—In this paragraph, the term 'joint resolution of approval' means a joint resolution of either House of Congress the sole matter after the resolving clause of which is the following: 'Congress approves of the proposal of the President to conduct explosive nuclear testing for which there is a technical need, notice of which was submitted to Congress under section 4210(a) of the Atomic Energy Defense Act (50 U.S.C. 2530(a)) on _____.', with the blank space being filled with the appropriate date.

''(B) INTRODUCTION; REFERRAL.—A joint resolution of approval—

''(i) may be introduced in either House by any member; and

''(ii) shall be referred—

''(I) in the Senate, to the Committee on Armed Services of the Senate; and

''(II) in the House of Representatives, to the Committee on Armed Services of the House of Representatives.

''(C) CONSIDERATION IN HOUSE OF REPRESENTATIVES.—

''(i) REPORTING AND DISCHARGE.—The Committee on Armed Services of the House of Representatives shall report a joint resolution of approval to the House not later than 60 calendar days after the date of receipt of the notification submitted under paragraph (1)(B). If the committee fails to report the joint resolution within that period, the committee shall be discharged from further consideration of the joint resolution and the joint resolution shall be referred to the appropriate calendar.

''(ii) PROCEEDING TO CONSIDERATION.—After the Committee on Armed Services of the House of Representatives reports the joint resolution of approval to the House or has been discharged from its consideration, it shall be in order, not later than the 120th day after Congress receives the notification submitted under paragraph (1)(B), to move to proceed to consider the joint resolution in the House. All points of order against the motion are waived. Such a motion shall not be in order after the House has disposed of a motion to proceed on the joint resolution. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. The motion shall not be debatable. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

''(iii) CONSIDERATION.—The joint resolution of approval shall be considered as read. All points of order against the joint resolution and against its consideration are waived. The previous question shall be considered as ordered on the joint resolution to its passage without intervening motion except 24 hours of debate equally divided and controlled by the proponent and an opponent. A motion to reconsider the vote on passage of the joint resolution shall not be in order.

''(D) CONSIDERATION IN SENATE.—

''(i) REPORTING AND DISCHARGE.—The Committee on Armed Services of the Senate shall report a joint resolution of approval to the Senate not later than 60 calendar days after the date of receipt of the notification submitted under paragraph (1)(B). If the committee fails to report the joint resolution within that period, the committee shall be discharged from further consideration of the joint resolution and the joint resolution shall be placed on the Calendar of Business.

''(ii) FLOOR CONSIDERATION.—

''(I) IN GENERAL.—Notwithstanding Rule XXII of the Standing Rules of the Senate, it is in order at any time after the Committee on Armed Services reports a joint resolution of approval or is discharged from consideration of a joint resolution of approval to move to proceed to the consideration of the joint resolution, and all points of order against the motion to proceed to the joint resolution (and against consideration of the joint resolution) are waived. The motion to proceed is not debatable. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the joint resolution shall remain the unfinished business until disposed of.

''(II) CONSIDERATION.—Consideration of a joint resolution of approval, and on all debatable motions in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between the majority and minority leaders or their designees. A motion further to limit debate is in order and not debatable. An amendment to, a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

''(III) VOTE ON PASSAGE.—The vote on passage shall occur immediately following the conclusion of the debate on a joint resolution of approval, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate. Passage of the joint resolution shall require the affirmative vote of two-thirds of Senators, duly chosen and sworn.

''(IV) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate, as the case may be, to the procedure relating to a joint resolution of approval shall be decided without debate.

''(E) RULES RELATING TO SENATE AND HOUSE OF REPRESENTATIVES.—

''(i) COORDINATION WITH ACTION BY OTHER HOUSE.—If, before the passage by one House of a joint resolution of that House, that House receives from the other House a joint resolution of approval that is identical to the joint resolution of the House receiving the resolution, then the following procedures shall apply:

''(I) The joint resolution of the other House shall not be referred to a committee.

''(II) With respect to a joint resolution of the House receiving the resolution—

''(aa) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

''(bb) the vote on passage shall—

''(AA) require the affirmative vote of two-thirds of Senators, duly chosen and sworn, for passage; and

''(BB) be on the joint resolution of the other House.

''(ii) TREATMENT OF JOINT RESOLUTION OF OTHER HOUSE.—If one House fails to introduce or consider a joint resolution under this section, the joint resolution of the other House shall be entitled to expedited floor procedures under this paragraph.

''(iii) TREATMENT OF COMPANION MEASURES.—If, following passage of the joint resolution in the Senate, the Senate then receives an identical resolution from the House of Representatives, the resolution of the House shall not be debatable.

''(iv) CONSIDERATION OF VETO MESSAGES.—If the President vetoes a joint resolution of approval, debate on a veto message in the Senate shall be 1 hour equally divided between the majority and minority leaders or their designees.

''(F) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This paragraph enacted by the Senate and the House of Representatives—

''(i) as an exercise of the rulemaking power of the Senate and House, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution of approval, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

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

''(5) DEFINITIONS.—In this subsection:

''(A) EXPLOSIVE NUCLEAR TESTING.—The term 'explosive nuclear testing'—

''(i) means testing involving the explosive compression or assembly of fissile material to exceed critical mass with the attendant release of any nuclear energy from fission processes; and

''(ii) does not include subcritical experiments carried out as part of the stockpile stewardship program under section 4201, laser fusion experiments, or other inertial confinement fusion experiments however driven.

''(B) TECHNICAL NEED.—The term 'technical need', with respect to explosive nuclear testing, means that all officials specified in section 4205(b) determine that an explosive nuclear test is necessary to resolve an issue with respect to the safety, reliability, performance, or military effectiveness of a nuclear weapon type.''.

SA 2314. Ms. CORTEZ MASTO (for herself and Ms. ROSEN) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XXVIII, add the following:

SEC. 28_____. TRANSFER AND WITHDRAWAL OF BUREAU OF LAND MANAGEMENT LAND FOR USE AS A NATIONAL CEMETERY.

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term ''Federal land'' means the approximately 15 acres of Bureau of Land Management land in Elko, Nevada, that is more particularly described as NE¼ SW¼ NW¼, N½ SE¼ SW¼ NW¼, sec. 8, T. 34 N., R. 55 E., of the Mount Diablo Meridian, as depicted on the map prepared by the Bureau of Land Management, entitled ''Proposed National Cemetery-Elko Nevada'', and dated September 9, 2015.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) TRANSFER OF ADMINISTRATIVE JURISDICTION.—

(1) IN GENERAL.—Subject to valid existing rights, administrative jurisdiction over the Federal land is transferred from the Secretary to the Secretary of Veterans Affairs for use as a national cemetery in accordance with chapter 24 of title 38, United States Code.

(2) LEGAL DESCRIPTIONS.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall publish in the Federal Register a notice containing a legal description of the Federal land.

(B) EFFECT.—A legal description published under subparagraph (A) shall have the same force and effect as if included in this section, except that the Secretary may correct any

clerical and typographical errors in the legal description.

(C) AVAILABILITY.—Copies of the legal description published under subparagraph (A) shall be available for public inspection in the appropriate offices of—

(i) the Bureau of Land Management; and

(ii) the National Cemetery Administration.

(D) COSTS.—The Secretary of Veterans Affairs shall reimburse the Secretary for the costs incurred by the Secretary in carrying out this paragraph, including the costs of any surveys and other reasonable costs.

(c) DUE DILIGENCE.—Before making a determination on whether the Federal land is appropriate for cemetery purposes, the Secretary of Veterans Affairs, in coordination with the Secretary, may complete appropriate environmental, cultural resource, and other due diligence activities with respect to the Federal land.

(d) WITHDRAWAL.—Subject to valid existing rights, for any period during which the Federal land is under the administrative jurisdiction of the Secretary of Veterans Affairs, the Federal land—

(1) is withdrawn from all forms of appropriation under the public land laws, including the mining laws, the mineral leasing laws, and the geothermal leasing laws; and

(2) shall be treated as property (as defined in section 102 of title 40, United States Code).

SA 2315. Mr. UDALL submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title XVI, insert the following:

SEC. _____. NATIONAL RECONNAISSANCE OFFICE FUTURE COMMERCIAL SOURCES OF SATELLITE IMAGERY.

(1) FINDINGS.—The Senate finds the following:

(A) The National Reconnaissance Office (NRO) is moving forward with acquiring commercial satellite imagery following the end of the decade-long EnhancedView contract, set to end at the end of fiscal year 2020.

(B) The Director of the National Reconnaissance Office expects to continue a program of open competition likely leading to contracts with multiple awardees.

(C) The Office continues to be responsive to the requirements of the National Geospatial-Intelligence Agency (NGA) and the broader Department of Defense geospatial-intelligence (GEOINT) user community, including the combatant commands (COCOMs), functional commands, and other key elements of the Armed Forces, including fulfilling the geospatial-intelligence requirements of the user community to the greatest extent.

(D) The Office is working proactively with industry to apply commercial solutions to known intelligence, surveillance, and reconnaissance gaps as much as possible.

(2) BRIEFING REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Director of the National Reconnaissance Office shall submit to the congressional defense, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives a briefing on the plans of the Director to support the continuation of commercial data acquisitions.

(3) ELEMENTS.—The briefing required under subsection (2) shall cover the following:

(A) Identification of new commercial providers or new commercial data sets and solutions.

(B) Plans for transitioning providers from pilot programs to operational contracts.

(C) How user needs previously met by the EnhancedView contract will be met or exceeded by follow-on contracts.

(D) On-ramps for new capabilities responsive to additional user needs.

SA 2316. Mr. UDALL submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XVI, add the following:

SEC. 1610. REVIEW OF AND BRIEFING ON DEPARTMENT POLICIES TO MINIMIZE ORBITAL DEBRIS THREATS.

(a) FINDINGS.—Congress makes the following findings:

(1) National security depends on reliable access to and safe operations in space.

(2) Critical Department of Defense and intelligence community missions operating in space and providing multidomain support depend on minimizing orbital threats, including the threat posed by orbital debris.

(3) Satellites and rocket bodies are major sources of space debris, particularly in low-Earth orbit.

(4) In addition to the threat posed by space debris, there have been several notable close calls between active satellites and active and defunct spacecraft.

(5) The United States and global economies cannot afford actual space collisions, much less the additional debris that would result from such a collision.

(6) The United States Government maintains and updates orbital debris mitigation standard practices, and the most recent update was completed in November 2019.

(b) REVIEW.—The Secretary of Defense shall review the current policies of the Department for orbital debris mitigation, including compliance with the orbital debris mitigation standard practices referred to in subsection (a)(6).

(c) BRIEFING.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall provide a briefing to the congressional defense committees on Department plans to reach full compliance with such orbital debris mitigation standard practices through the establishment of Department-wide orbital debris mitigation practices.

(2) ELEMENT.—The briefing required by paragraph (1) shall include a description of—

(A) nominal end-of-mission operations, in which after mission completion, all spacecraft and orbital launch vehicle components are disposed as planned; and

(B) off-nominal operations, in which, due to unexpected scenarios or mishaps, planned disposal of spacecraft and orbital launch vehicles are not able to be met.

SA 2317. Ms. HARRIS submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 320. STUDY ON IMPACTS OF TRANSBOUNDARY FLOWS, SPILLS, OR DISCHARGES OF POLLUTION OR DEBRIS FROM THE TIJUANA RIVER ON PERSONNEL, ACTIVITIES, AND INSTALLATIONS OF DEPARTMENT OF DEFENSE.

(a) STUDY.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Administrator of the Environmental Protection Agency, the Secretary of State, and the United States Commissioner of the International Boundary and Water Commission, shall commission an independent scientific study of the impacts of transboundary flows, spills, or discharges of pollution or debris from the Tijuana River on the personnel, activities, and installations of the Department of Defense.

(2) ELEMENTS.—The study required by paragraph (1) shall address the short-term, long-term, primary, and secondary impacts of transboundary flows, spills, or discharges of pollution or debris from the Tijuana River and include recommendations to mitigate such impacts.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report containing the results of the study under subsection (a), including all findings and recommendations resulting from the study.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services, the Committee on Environment and Public Works, and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services, the Committee on Transportation and Infrastructure, and the Committee on Foreign Affairs of the House of Representatives.

SA 2318. Ms. HARRIS submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IX, add the following:

SEC. 906. SPECIAL INSPECTOR GENERAL FOR RACIAL AND ETHNIC DISPARITIES IN THE ARMED FORCES.

(a) SPECIAL INSPECTOR GENERAL FOR RACIAL AND ETHNIC DISPARITIES IN THE ARMED FORCES.—

(1) PURPOSES.—The purposes of this section are the following:

(A) To provide for the independent and objective conduct and supervision of audits and investigations relating to racial and ethnic disparities in military personnel and military justice systems, and white supremacy among military personnel.

(B) To provide recommendations to the Secretary of Defense and to Congress on actions necessary to eliminate racial and ethnic disparities in military personnel and military justice systems.

(2) OFFICE OF INSPECTOR GENERAL.—To carry out the purposes of paragraph (1), there is hereby established, in the Department of Defense, the Office of the Special Inspector General for Racial and Ethnic Disparities in the Armed Forces.

(3) APPOINTMENT OF INSPECTOR GENERAL.—

(A) APPOINTMENT.—The head of the Office of the Special Inspector General for Racial and Ethnic Disparities is the Special Inspector General for Racial and Ethnic Disparities in the Armed Forces (in this section referred to as the ''Inspector General''), who shall be appointed by the President with the advice and consent of the Senate.

(B) QUALIFICATIONS.—The appointment of the Inspector General shall be made solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

(C) DEADLINE FOR FIRST NOMINATION.—The nomination of an individual to be the first Inspector General to be appointed after the date of the enactment of this Act shall be made not later than 90 days after that date.

(D) COMPENSATION.—The annual rate of basic pay of the Inspector General shall be the annual rate of basic pay provided for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(E) PROHIBITION ON POLITICAL ACTIVITIES.—For purposes of section 7324 of title 5, United States Code, the Inspector General shall not be considered an employee who determines policies to be pursued by the United States in the nationwide administration of Federal law.

(F) REMOVAL.—The Inspector General shall be removable from office in accordance with the provisions of section 3(b) of the Inspector General Act of 1978 (5 U.S.C. App.).

(4) ASSISTANT INSPECTORS GENERAL.—The Inspector General shall, in accordance with applicable laws and regulations governing the civil service, appoint an Assistant Inspector General for Military Justice who shall have the responsibility for auditing and investigation activities relating to racial and ethnic disparities within the military justice system.

(5) SUPERVISION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Inspector General shall report directly to, and be under the general supervision of the Secretary of Defense.

(B) INDEPENDENCE TO CONDUCT INVESTIGATIONS AND AUDITS.—No officer of the Department of Defense shall prevent or prohibit the Inspector General from initiating, carrying out, or completing any audit or investigation related to racial and ethnic disparities or from issuing any subpoena during the course of any such audit or investigation.

(6) DUTIES.—

(A) OVERSIGHT.—It shall be the duty of the Inspector General to conduct, supervise, and coordinate audits and investigations of—

(i) the effect of military justice policies and practices on racial and ethnic disparities, including overrepresentation of minorities in actions related to investigations, courts-martial, nonjudicial punishments, and other military justice actions as determined by the Inspector General;

(ii) the effect of military personnel policies and practices, including recruiting, accessions, and promotions, on racial and ethnic disparities, including underrepresentation of minorities among members of the Armed Forces under the jurisdiction of the Secretary of a military department in grades above E–7;

(iii) the scope and efficacy of existing diversity and inclusion offices and programs within the Department of Defense; and

(iv) white supremacist activities among military personnel and any other issues, determined by the Inspector General, necessary to address racial and ethnic disparities within the Armed Forces under the jurisdiction of the Secretary of a military department.

(B) OTHER DUTIES RELATED TO OVERSIGHT.—The Inspector General shall establish, maintain, and oversee such systems, procedures, and controls as the Inspector General considers appropriate to discharge the duties under subparagraph (A).

(C) DUTIES AND RESPONSIBILITIES UNDER INSPECTOR GENERAL ACT OF 1978.—In addition to the duties specified in subparagraphs (A) and (B), the Inspector General shall also have the duties and responsibilities of inspectors general under the Inspector General Act of 1978.

(D) COORDINATION OF EFFORTS.—In carrying out the duties, responsibilities, and authorities of the Inspector General under this section, the Inspector General shall coordinate with, and receive the cooperation of each of the following:

(i) The Inspector General of the Department of Defense.

(ii) The Inspector General of the Army.

(iii) The Inspector General of the Navy.

(iv) The Inspector General of the Air Force.

(7) POWERS AND AUTHORITIES.—

(A) AUTHORITIES UNDER INSPECTOR GENERAL ACT OF 1978.—In carrying out the duties specified in paragraph (6), the Inspector General shall have the authorities provided in section 6 of the Inspector General Act of 1978.

(B) AUDIT STANDARDS.—The Inspector General shall carry out the duties specified in paragraph (6)(A) in accordance with section 4(b)(1) of the Inspector General Act of 1978.

(8) PERSONNEL, FACILITIES, AND OTHER RESOURCES.—

(A) PERSONNEL.—The Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the duties of the Inspector General, subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

(B) EMPLOYMENT OF EXPERTS AND CONSULTANTS.—The Inspector General may obtain services as authorized by section 3109 of title 5, United States Code, at daily rates not to exceed the equivalent rate prescribed for grade GS–15 of the General Schedule by section 5332 of such title.

(C) CONTRACTING AUTHORITY.—To the extent and in such amounts as may be provided in advance by appropriations Acts, the Inspector General may enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and make such payments as may be necessary to carry out the duties of the Inspector General.

(D) RESOURCES.—The Secretary of Defense, as appropriate, shall provide the Inspector General with appropriate and adequate office space at appropriate locations of the Department of Defense, together with such equipment, office supplies, and communications facilities and services as may be necessary for the operation of such offices, and shall provide necessary maintenance services for such offices and the equipment and facilities located therein.

(E) ASSISTANCE FROM FEDERAL AGENCIES.—

(i) IN GENERAL.—Upon request of the Inspector General for information or assistance from any department, agency, or other entity of the Federal Government, the head of such entity shall, insofar as is practicable and not in contravention of any existing law, furnish such information or assistance to the Inspector General, or an authorized designee.

(ii) REPORTING OF REFUSED ASSISTANCE.—Whenever information or assistance requested by the Inspector General is, in the judgment of the Inspector General, unreasonably refused or not provided, the Inspector General shall report the circumstances to the Secretary of Defense, as appropriate, and to the appropriate congressional committees without delay.

(9) REPORTS.—

(A) QUARTERLY REPORTS.—Not later than 30 days after the end of each fiscal-year quarter, the Inspector General shall submit quarterly reports to the Secretary of Defense and the congressional defense committees summarizing the activities of the Inspector General for the previous quarter.

(B) ANNUAL REPORTS.—The Inspector General shall submit annual reports to the Secretary of Defense and the congressional defense committees presenting recommendations for changes to policy, practice, regulation, and statute to eliminate disparities within the military personnel and military justice systems and to eliminate white supremacist activities among military personnel.

(C) OCCASIONAL REPORTS.—The Inspector General shall, from time to time, submit additional reports containing findings and recommendations at the discretion of the Inspector General.

(D) ONLINE PUBLICATION.—The Inspector General shall publish each report under this paragraph on a publicly available website not later than seven days after submission to the Secretary of Defense and the congressional defense committees.

(10) FUNDING.—This section shall be carried out using not more than $10,000,000 of funds otherwise appropriated for Operation and Maintenance, Defense-wide, and no additional amounts are authorized to be appropriated to carry out this section.

(b) AMENDMENTS TO THE INSPECTOR GENERAL ACT.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in section 3(b)—

(A) by inserting ''(1)'' before ''An Inspector General'';

(B) by inserting after the first sentence the following: ''An Inspector General may only be removed by the President before the expiration of the term of the Inspector General for permanent incapacity, neglect of duty, malfeasance, conviction of a felony or conduct involving moral turpitude, knowing violation of a law, gross mismanagement, gross waste of funds, or abuse of authority.''; and

(C) by adding at the end the following new paragraphs:

''(2) If an Inspector General is removed by the President under paragraph (1) fewer than 30 days after the President has communicated in writing the reasons for such removal pursuant to paragraph (1), the Inspector General shall submit to the Council of the Inspectors General on Integrity and Efficiency a report that includes the following information:

''(A) A description of the facts and circumstances of each investigation involving a senior government employee (as defined in section 5 of this Act) being conducted by that Inspector General at the time of such removal.

''(B) Any other matter that the Inspector General determines to include.

''(3) Any individual serving as the head of an Office of Inspector General, after the removal of an Inspector General under paragraph (1), shall issue to the Council of the Inspectors General on Integrity and Efficiency a report identifying any instances in which an investigation or matter described in paragraph (2) is closed prior to its completion, with a description of the reasons for closing the investigation or matter.''; and

(2) in section 8G(e), by adding at the end the following new paragraph:

''(3) In the event of the removal of an Inspector General, the Council of the Inspectors General on Integrity and Efficiency shall—

''(A) investigate the reasons for removal provided by the President;

''(B) publish a report including the determination of the Council whether the reasons described in subparagraph (A) are in accordance with the relevant provisions relating to for cause removal;

''(C) review any investigation that was being conducted by the Inspector General at the time of such removal; and

''(D) submit, to the congressional committees the Council determine to be relevant, a report that includes the determination of the Council whether an investigation described in subparagraph (C) motivated such removal.''.

SA 2319. Ms. KLOBUCHAR (for herself, Mr. TILLIS, and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1085. ADDITIONAL CARE FOR NEWBORN CHILDREN OF VETERANS.

Section 1786 of title 38, United States Code, is amended—

(1) in subsection (a), by striking ''The Secretary'' and inserting ''Except as provided in subsection (c), the Secretary''; and

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

''(c) EXCEPTION BASED ON MEDICAL NECESSITY.—Pursuant to such regulations as the Secretary shall prescribe to carry out this section, the Secretary may furnish more than seven days of health care services described in subsection (b), and may furnish transportation necessary to receive such services, to a newborn child based on medical necessity if the child is in need of additional care, including if the child has been discharged or released from a hospital and requires readmittance to ensure the health and welfare of the child.''.

SA 2320. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. NATIONAL SPECIAL ACTIVITY AIRSPACE PLANNING AND INTEGRATION OFFICE.

(a) ESTABLISHMENT.—In order to provide a balanced approach to National Defense requirements with the need to promote Commerce, not later than 1 year after the date of enactment of this Act, the Administrator, in coordination with the Secretary, shall establish a National Special Activity Airspace Planning and Integration Office concerning matters of special activity airspace.

(b) INTENT.—The Office shall carry out its mission—

(1) pursuant to the Report to Congress on the Joint Review of Special Activity Airspace, 1989 (submitted pursuant to section 104(b) of the Airport and Airway Safety and Capacity Expansion Act of 1987 (Public Law 100–223), with the Office serving in lieu of the facility;

(2) pursuant to the National Special Activity Airspace Program of the FAA; and

(3) in light of the expanded information management of the Federal Government.

(c) MISSION.—The mission of the Office shall be the following:

(1) To develop and maintain a joint Department and FAA strategic plan that integrates and guides development of special activity airspace into an evolving National Airspace System and seeks compatible solutions to foreseeable airspace requirements and priorities in support of the National Defense Strategy and emerging Service and Department defined requirements. Such strategic plan should recognize the following:

(A) The Nation's airspace is a vital, but limited, resource which is receiving unprecedented competition for use from all segments of the aviation community.

(B) The Department has a legitimate and continuing need for access to special activity airspace. New weapons systems and tactics will generate dynamic and changing airspace needs.

(C) The emerging requirement to automate, monitor, and record data regarding utilization of special activity airspace, including real time tracking and strategy development to support dynamic special activity airspace use compatible with civil Performance Based Navigation.

(2) To make recommendations and facilitate strategic and regional planning regarding the need for development, modification, or revocation of special activity airspace, including—

(A) special activity airspace to meet the Research, Development, Test and Evaluation, and training requirements to meet Department and Service requirements for peacetime, contingency, and wartime operations;

(B) recommendation of special activity airspace locations and Service validated parameters therein to support existing Department installations; and

(C) review Aeronautical Studies conducted in conjunction with special activities airspace determinations.

(3) To make recommendations that provide a balanced approach to National Defense requirements with the need to promote Commerce, including commercial, business, other Federal, and general aviation, including the release of airspace designated for military use to the FAA or to other air navigation service providers, as appropriate, when the airspace is not needed for military requirements.

(4) To make recommendations of special activity airspace use with respect to costs and cost avoidance of military, other Federal, and commercial aviation use.

(5) To support the efficient use of the national airspace system for all stakeholders, including military and other Federal flight operations supported by taxpayer funding.

(d) DIRECTOR.—The Office shall be headed by a director, who shall be appointed by the Administrator and shall report to an FAA employee not lower than the Chief Operating Officer Air Traffic Control.

(e) DEPUTY DIRECTOR.—The Secretary shall appoint the deputy director of the Office, who shall report to the Executive Director of the Policy Board for Federal Aviation.

(f) STAFF.—The Office shall be staffed by Federal employees of the FAA, military and civilian personnel of the Department, and other employees considered by the director and deputy director of the Office.

(g) LIAISON.—The Director shall appoint a member of the staff of the Office to serve as a liaison with other Federal and commercial users of the national airspace system regarding the activities of the Office.

(h) OMBUDSMAN.—The Director may appoint a member of the staff of the Office to serve as ombudsman of the Office. The ombudsman shall serve as a liaison with the public, including community groups, on issues regarding the activities of the Office.

(i) LIMITATION.—The provisions of this section, including the establishment of the Office, shall not restrict or otherwise affect—

(1) the regulatory authority or management authority of the FAA over the National Airspace System, including airspace delegated to the Department or other Federal agencies, pursuant to titles 14 and 32, Code of Federal Regulations;

(2) the regulatory authority or management authority of the Department or the Services to organize, train, and equip for National Defense under title 10, United States Code; and

(3) the air traffic control authority of controlling agencies or the scheduling authority of the using or scheduling agencies.

(j) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the FAA.

(2) DEPARTMENT.—The term ''Department'' means the Department of Defense and the Services as defined in title 10 of the Code of Federal regulations.

(3) FAA.—The term ''FAA'' means the Federal Aviation Administration.

(4) SERVICE.—The term ''Service'' means the Military Services.

(5) OFFICE.—The term ''Office'' means the National Special Activity Airspace Planning and Integration Office established under this section.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Defense.

(7) SPECIAL ACTIVITY AIRSPACE.—The term ''special activity airspace'' means all special activity airspace, including regulatory special use airspace, non-regulatory special use airspace, and other non-regulatory airspace (including air traffic control assigned areas of the National Airspace System).

SA 2321. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PERMANENT SBIR AND STTR AUTHORITY FOR THE DEPARTMENT OF DEFENSE.

Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(1) in subsection (m), by inserting ''\, except with respect to the Department of Defense'' after ''September 30, 2022''; and

(2) in subsection (n)(1)(A)—

(A) by inserting ''(or, with respect to the Department of Defense, any fiscal year)'' after ''2022''; and

(B) by inserting ''(or, with respect to the Department of Defense, for any fiscal year)'' after ''for that fiscal year''.

SA 2322. Mr. DURBIN (for himself, Mr. BROWN, Ms. WARREN, and Ms. HASSAN) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title V, add the following:

SEC. _____. 85/15 RULE.

(a) IN GENERAL.—Section 102(b) of the Higher Education Act of 1965 (20 U.S.C. 1002(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (D), by striking ''and'' after the semicolon;

(B) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(F) meets the requirements of paragraph (2).'';

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

''(2) REVENUE SOURCES.—

''(A) IN GENERAL.—In order to qualify as a proprietary institution of higher education under this subsection, an institution shall derive not less than 15 percent of the institution's revenues from sources other than Federal funds, as calculated in accordance with subparagraphs (B) and (C).

''(B) FEDERAL FUNDS.—In this paragraph, the term 'Federal funds' means any Federal financial assistance provided, under this Act or any other Federal law, through a grant, contract, subsidy, loan, guarantee, insurance, or other means to a proprietary institution, including Federal financial assistance that is disbursed or delivered to an institution or on behalf of a student or to a student to be used to attend the institution, except that such term shall not include any monthly housing stipend provided under the Post-9/11 Veterans Educational Assistance Program under chapter 33 of title 38, United States Code.

''(C) IMPLEMENTATION OF NON-FEDERAL REVENUE REQUIREMENT.—In making calculations under subparagraph (A), an institution of higher education shall—

''(i) use the cash basis of accounting;

''(ii) consider as revenue only those funds generated by the institution from—

''(I) tuition, fees, and other institutional charges for students enrolled in programs eligible for assistance under title IV;

''(II) activities conducted by the institution that are necessary for the education and training of the institution's students, if such activities are—

''(aa) conducted on campus or at a facility under the control of the institution;

''(bb) performed under the supervision of a member of the institution's faculty; and

''(cc) required to be performed by all students in a specific educational program at the institution; and

''(III) a contractual arrangement with a Federal agency for the purpose of providing job training to low-income individuals who are in need of such training;

''(iii) presume that any Federal funds that are disbursed or delivered to an institution on behalf of a student or directly to a student will be used to pay the student's tuition, fees, or other institutional charges, regardless of whether the institution credits such funds to the student's account or pays such funds directly to the student, except to the extent that the student's tuition, fees, or other institutional charges are satisfied by—

''(I) grant funds provided by an outside source that—

''(aa) has no affiliation with the institution; and

''(bb) shares no employees with the institution; and

''(II) institutional scholarships described in clause (v);

''(iv) include no loans made by an institution of higher education as revenue to the school, except for payments made by students on such loans;

''(v) include a scholarship provided by the institution—

''(I) only if the scholarship is in the form of monetary aid based upon the academic achievements or financial need of students, disbursed to qualified student recipients during each fiscal year from an established restricted account; and

''(II) only to the extent that funds in that account represent designated funds, or income earned on such funds, from an outside source that—

''(aa) has no affiliation with the institution; and

''(bb) shares no employees with the institution; and

''(vi) exclude from revenues—

''(I) the amount of funds the institution received under part C of title IV, unless the institution used those funds to pay a student's institutional charges;

''(II) the amount of funds the institution received under subpart 4 of part A of title IV;

''(III) the amount of funds provided by the institution as matching funds for any Federal program;

''(IV) the amount of Federal funds provided to the institution to pay institutional charges for a student that were refunded or returned; and

''(V) the amount charged for books, supplies, and equipment, unless the institution includes that amount as tuition, fees, or other institutional charges.

''(D) REPORT TO CONGRESS.—Not later than July 1, 2021, and by July 1 of each succeeding year, the Secretary shall submit to the authorizing committees a report that contains, for each proprietary institution of higher education that receives assistance under title IV and as provided in the audited financial statements submitted to the Secretary by each institution pursuant to the requirements of section 487(c)—

''(i) the amount and percentage of such institution's revenues received from Federal funds; and

''(ii) the amount and percentage of such institution's revenues received from other sources.''.

(b) REPEAL OF EXISTING REQUIREMENTS.—Section 487 of the Higher Education Act of 1965 (20 U.S.C. 1094) is amended—

(1) in subsection (a)—

(A) by striking paragraph (24);

(B) by redesignating paragraphs (25) through (29) as paragraphs (24) through (28), respectively;

(C) in paragraph (24)(A)(ii) (as redesignated by subparagraph (B)), by striking ''subsection (e)'' and inserting ''subsection (d)''; and

(D) in paragraph (26) (as redesignated by subparagraph (B)), by striking ''subsection (h)'' and inserting ''subsection (g)'';

(2) by striking subsection (d);

(3) by redesignating subsections (e) through (j) as subsections (d) through (i), respectively;

(4) in the matter preceding paragraph (1) of subsection (d) (as redesignated by paragraph (3)), by striking ''(a)(25)'' and inserting ''(a)(24)'';

(5) in subsection (f)(1) (as redesignated by paragraph (3)), by striking ''subsection (e)(2)'' and inserting ''subsection (d)(2)''; and

(6) in subsection (g)(1) (as redesignated by paragraph (3)), by striking ''subsection (a)(27)'' in the matter preceding subparagraph (A) and inserting ''subsection (a)(26)''.

(c) CONFORMING AMENDMENTS.—The Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) is amended—

(1) in section 152 (20 U.S.C. 1019a)—

(A) in subsection (a)(1)(A), by striking ''subsections (a)(27) and (h) of section 487'' and inserting ''subsections (a)(26) and (g) of section 487''; and

(B) in subsection (b)(1)(B)(i)(I), by striking ''section 487(e)'' and inserting ''section 487(d)'';

(2) in section 153(c)(3) (20 U.S.C. 1019b(c)(3)), by striking ''section 487(a)(25)'' each place the term appears and inserting ''section 487(a)(24)'';

(3) in section 496(c)(3)(A) (20 U.S.C. 1099b(c)(3)(A)), by striking ''section 487(f)'' and inserting ''section 487(e)''; and

(4) in section 498(k)(1) (20 U.S.C. 1099c(k)(1)), by striking ''section 487(f)'' and inserting ''section 487(e)''.

SA 2323. Mr. DURBIN (for himself, Mr. BROWN, Ms. WARREN, and Ms. HASSAN) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title V, add the following:

SEC. ____. AVAILABILITY OF PUBLIC INFORMATION REGARDING CIVIL AND CRIMINAL ACTIONS AND INVESTIGATIONS INVOLVING POSTSECONDARY EDUCATIONAL INSTITUTIONS.

(a) IN GENERAL.—The Secretary of Defense shall ensure that any online consumer tool offered or supported by the Department of Defense that provides information to servicemembers regarding specific postsecondary educational institutions, such as Tuition Assistance DECIDE or any successor or similar program, includes for each such institution an accounting of pending investigations and civil or criminal actions against the institution by Federal agencies and State attorneys general, to the extent such information is publicly available.

(b) SOURCES OF INFORMATION.—In gathering publicly available information on investigations and civil or criminal actions described in subsection (a), the Secretary of Defense shall—

(1) consult the heads of other Federal agencies and, as practicable, State attorneys general; and

(2) review any reports required to be filed with the Securities and Exchange Commission under section 13 or section 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m and 78o(d)), including Form 10–Q and Form 10–K.

(c) CONSULTATION REGARDING PRESENTATION.—To ensure that the information required under subsection (a) is presented in the most useful and effective way possible for servicemembers, the Secretary of Defense shall consult with the Secretary of Education, the Consumer Financial Protection Bureau, and servicemember and consumer advocates.

SA 2324. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. HOMELAND SECURITY HIGHER EDUCATION ADVISORY COUNCIL.

(a) IN GENERAL.—The Secretary shall establish a council to be known as the ''Homeland Security Higher Education Advisory Council''.

(b) DUTIES OF COUNCIL.—The Council shall provide advice and recommendations to the Secretary on matters concerning homeland security and the academic community relating to the following:

(1) The threat of malign foreign influence and interference in the United States.

(2) Proposed regulatory changes impacting institutions of higher education.

(3) Promoting the openness of academic research and the exchange of ideas between institutions of higher education and the Federal Government.

(4) Promoting campus resilience resources to address a range of threats or hazards affecting institutions of higher education.

(5) Homeland security academic and research programs.

(6) Student and recent graduate recruitment to Federal Government employment.

(7) Issues relating to international students, including—

(A) obtaining and maintaining a visa;

(B) processing H–1B visas and Optional Practical Training; and

(C) monitoring student visa recipients who stay past their authorized time in the United States.

(8) Issues relating to undocumented students.

(9) Cybersecurity.

(10) Any other matters the Secretary considers appropriate.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Council shall be composed of not fewer than 21 members appointed by the Secretary, of whom 9 shall be from governmental positions specified in paragraph (2), and not fewer than 12 members shall be from non-governmental positions specified in paragraph (3).

(2) GOVERNMENTAL POSITIONS.—Governmental positions specified in this paragraph are the following:

(A) The Bureau of Consular Affairs of the Department of State.

(B) The Bureau of Education and Cultural Affairs of the Department of State.

(C) U.S. Customs and Border Protection.

(D) The Office for Civil Rights and Civil Liberties of the Department of Homeland Security.

(E) The Science and Technology Directorate of the Department of Homeland Security.

(F) The Office of Science and Technology Cooperation of the Department of State.

(G) The Student and Exchange Visitor Program of the Department of Homeland Security.

(H) United States Citizenship and Immigration Services.

(I) Office of the Citizenship and Immigration Services Ombudsman.

(J) Homeland Security Investigations of the U.S. Immigration and Customs Enforcement.

(K) The Department of Justice.

(L) The intelligence community, as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

(3) NON-GOVERNMENTAL POSITIONS.—Non-governmental positions specified in this paragraph are the following:

(A) Twelve presidents or chancellors of a university, with a distribution of such universities being private, public, and regionally diverse.

(B) Senior leaders of relevant higher education associations.

(4) TIMING OF APPOINTMENTS.—Appointments to the Council shall be made not later than 4 months after the date of enactment of this Act.

(5) TERMS.—

(A) IN GENERAL.—Each member of the Council shall be appointed for a term of 2 years.

(B) VACANCIES.—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 term until a successor has been appointed.

(6) CHAIRPERSON AND VICE CHAIRPERSON.—The Chairperson and Vice Chairperson of the Council shall be designated by the Secretary at the time of the appointment of the members pursuant to paragraph (4), and when a vacancy of the Chairperson or Vice Chairperson occurs, as the case may be.

(d) MEETING.—

(1) INITIAL MEETING.—The Council shall hold its initial meeting not later than 30 days after the final appointment of all members under subsection (c)(4).

(2) MEETINGS.—The Council shall meet not fewer than 3 times each year at the call of the Chairperson or Vice Chairperson.

(3) QUORUM.—Sixteen members of the Council, of whom 8 members shall be appointed from governmental positions and 8 members shall be appointed from non-governmental positions, shall constitute a quorum.

(e) COMPENSATION.—

(1) PROHIBITION OF COMPENSATION.—Except as provided in paragraph (2), members of the Council may not receive additional pay, allowances, or benefits by reason of their service on the Council.

(2) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(f) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Council, the Secretary shall provide to the Council, on a reimbursable basis, the administrative support services necessary for the Council to carry out its responsibilities under this Act.

(g) REPORT.—Not later than 180 days after the date on which the Council holds its initial meeting under subsection (d) and annually thereafter, the Council shall submit to the appropriate congressional committees a report containing a detailed statement of the advice and recommendations of the Council pursuant to subsection (b).

(h) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Council.

(i) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, and the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Homeland Security, the Committee on the Judiciary, and the Committee on Science, Space, and Technology of the House of Representatives.

(2) COUNCIL.—The term ''Council'' means the Homeland Security Higher Education Advisory Council established under this section.

(3) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

SA 2325. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION E—AMERICAN DREAM AND PROMISE ACT

TITLE LI—DREAM ACT

SEC. 5101. SHORT TITLE.

This title may be cited as the ''Dream Act of 2020''.

Subtitle A—Treatment of Certain Long-term Residents Who Entered the United States as Children

SEC. 5111. PERMANENT RESIDENT STATUS ON A CONDITIONAL BASIS FOR CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.

(a) CONDITIONAL BASIS FOR STATUS.—Notwithstanding any other provision of law, and except as provided in section 5113(c)(2), an alien shall be considered, at the time of obtaining the status of an alien lawfully admitted for permanent residence under this section, to have obtained such status on a conditional basis subject to the provisions of this title.

(b) REQUIREMENTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary or the Attorney General shall cancel the removal of, and adjust to the status of an alien lawfully admitted for permanent residence on a conditional basis, or without the conditional basis as provided in section 5113(c)(2), an alien who is inadmissible or deportable from the United States (or is under a grant of Deferred Enforced Departure or has temporary protected status under section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a)) if—

(A) the alien has been continuously physically present in the United States since the date that is 4 years before the date of the enactment of this Act;

(B) the alien was younger than 18 years of age on the date on which the alien entered the United States and has continuously resided in the United States since such entry;

(C) the alien—

(i) subject to section 5123(d), is not inadmissible under paragraph (1), (6)(E), (6)(G), (8), or (10) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a));

(ii) has not 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; and

(iii) is not barred from adjustment of status under this title based on the criminal and national security grounds described under subsection (c), subject to the provisions of such subsection; and

(D) the alien—

(i) has been admitted to an institution of higher education;

(ii) has been admitted to an area career and technical education school at the postsecondary level;

(iii) in the United States, has obtained—

(I) a high school diploma or a commensurate alternative award from a public or private high school;

(II) a General Education Development credential, a high school equivalency diploma recognized under State law, or another similar State-authorized credential;

(III) a credential or certificate from an area career and technical education school at the secondary level; or

(IV) a recognized postsecondary credential; or

(iv) is enrolled in secondary school or in an education program assisting students in—

(I) obtaining a high school diploma or its recognized equivalent under State law;

(II) passing the General Education Development test, a high school equivalence diploma examination, or other similar State-authorized exam;

(III) obtaining a certificate or credential from an area career and technical education school providing education at the secondary level; or

(IV) obtaining a recognized postsecondary credential.

(2) APPLICATION FEE.—

(A) IN GENERAL.—The Secretary may, subject to an exemption under section 5123(c), require an alien applying under this section to pay a reasonable fee that is commensurate with the cost of processing the application but does not exceed $495.00.

(B) SPECIAL PROCEDURE FOR APPLICANTS WITH DACA.—The Secretary shall establish a streamlined procedure for aliens who have been granted DACA and who meet the requirements for renewal (under the terms of the program in effect on January 1, 2017) to apply for cancellation of removal and adjustment of status to that of an alien lawfully admitted for permanent residence on a conditional basis under this section, or without the conditional basis as provided in section 5113(c)(2). Such procedure shall not include a requirement that the applicant pay a fee, except that the Secretary may require an applicant who meets the requirements for lawful permanent residence without the conditional basis under section 5113(c)(2) to pay a fee that is commensurate with the cost of processing the application, subject to the exemption under section 5123(c).

(3) BACKGROUND CHECKS.—The Secretary may not grant an alien permanent resident status on a conditional basis under this section until the requirements of section 5122 are satisfied.

(4) MILITARY SELECTIVE SERVICE.—An alien applying for permanent resident status on a conditional basis under this section, or without the conditional basis as provided in section 5113(c)(2), shall establish that the alien has registered under the Military Selective Service Act (50 U.S.C. 3801 et seq.), if the alien is subject to registration under such Act.

(c) CRIMINAL AND NATIONAL SECURITY BARS.—

(1) GROUNDS OF INELIGIBILITY.—Except as provided in paragraph (2), an alien is ineligible for adjustment of status under this title (whether on a conditional basis or without the conditional basis as provided in section 5113(c)(2)) if any of the following apply:

(A) The alien is inadmissible under paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)).

(B) Excluding any offense under State law for which an essential element is the alien's immigration status, and any minor traffic offense, the alien has been convicted of—

(i) any felony offense;

(ii) three or more misdemeanor offenses (excluding simple possession of cannabis or cannabis-related paraphernalia, any offense involving cannabis or cannabis-related paraphernalia which is no longer prosecutable in the State in which the conviction was entered, and any offense involving civil disobedience without violence) not occurring on the same date, and not arising out of the same act, omission, or scheme of misconduct; or

(iii) a misdemeanor offense of domestic violence, unless the alien demonstrates that such crime is related to the alien having been—

(I) a victim of domestic violence, sexual assault, stalking, child abuse or neglect, abuse or neglect in later life, or human trafficking;

(II) battered or subjected to extreme cruelty; or

(III) a victim of criminal activity described in section 101(a)(15)(U)(iii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)(iii)).

(2) WAIVERS FOR CERTAIN MISDEMEANORS.—For humanitarian purposes, family unity, or if otherwise in the public interest, the Secretary may—

(A) waive the grounds of inadmissibility under subparagraphs (A), (C), and (D) of section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)), unless the conviction forming the basis for inadmissibility would otherwise render the alien ineligible under paragraph (1)(B) (subject to subparagraph (B)); and

(B) for purposes of clauses (ii) and (iii) of paragraph (1)(B), waive consideration of—

(i) one misdemeanor offense if the alien has not been convicted of any offense in the 5-year period preceding the date on which the alien applies for adjustment of status under this title; or

(ii) up to two misdemeanor offenses if the alien has not been convicted of any offense in the 10-year period preceding the date on which the alien applies for adjustment of status under this title.

(3) AUTHORITY TO CONDUCT SECONDARY REVIEW.—

(A) IN GENERAL.—Notwithstanding an alien's eligibility for adjustment of status under this title, and subject to the procedures described in this paragraph, the Secretary of Homeland Security may, as a matter of non-delegable discretion, provisionally deny an application for adjustment of status (whether on a conditional basis or without the conditional basis as provided in section 5113(c)(2)) if the Secretary, based on clear and convincing evidence, which shall include credible law enforcement information, determines that the alien is described in subparagraph (B) or (D).

(B) PUBLIC SAFETY.—An alien is described in this subparagraph if—

(i) excluding simple possession of cannabis or cannabis-related paraphernalia, any offense involving cannabis or cannabis-related paraphernalia which is no longer prosecutable in the State in which the conviction was entered, any offense under State law for which an essential element is the alien's immigration status, any offense involving civil disobedience without violence, and any minor traffic offense, the alien—

(I) has been convicted of a misdemeanor offense punishable by a term of imprisonment of more than 30 days; or

(II) has been adjudicated delinquent in a State or local juvenile court proceeding that resulted in a disposition ordering placement in a secure facility; and

(ii) the alien poses a significant and continuing threat to public safety related to such conviction or adjudication.

(C) PUBLIC SAFETY DETERMINATION.—For purposes of subparagraph (B)(ii), the Secretary shall consider the recency of the conviction or adjudication; the length of any imposed sentence or placement; the nature and seriousness of the conviction or adjudication, including whether the elements of the offense include the unlawful possession or use of a deadly weapon to commit an offense or other conduct intended to cause serious bodily injury; and any mitigating factors pertaining to the alien's role in the commission of the offense.

(D) GANG PARTICIPATION.—An alien is described in this subparagraph if the alien has, within the 5 years immediately preceding the date of the application, knowingly, willfully, and voluntarily participated in offenses committed by a criminal street gang (as described in subsections (a) and (c) of section 521 of title 18, United States Code) with the intent to promote or further the commission of such offenses.

(E) EVIDENTIARY LIMITATION.—For purposes of subparagraph (D), allegations of gang membership obtained from a State or Federal in-house or local database, or a network of databases used for the purpose of recording and sharing activities of alleged gang members across law enforcement agencies, shall not establish the participation described in such paragraph.

(F) NOTICE.—

(i) IN GENERAL.—Prior to rendering a discretionary decision under this paragraph, the Secretary of Homeland Security shall provide written notice of the intent to provisionally deny the application to the alien (or the alien's counsel of record, if any) by certified mail and, if an electronic mail address is provided, by electronic mail (or other form of electronic communication). Such notice shall—

(I) articulate with specificity all grounds for the preliminary determination, including the evidence relied upon to support the determination; and

(II) provide the alien with not less than 90 days to respond.

(ii) SECOND NOTICE.—Not more than 30 days after the issuance of the notice under clause (i), the Secretary of Homeland Security shall provide a second written notice that meets the requirements of such clause.

(iii) NOTICE NOT RECEIVED.—Notwithstanding any other provision of law, if an applicant provides good cause for not contesting a provisional denial under this paragraph, including a failure to receive notice as required under this subparagraph, the Secretary of Homeland Security shall, upon a motion filed by the alien, reopen an application for adjustment of status under this title and allow the applicant an opportunity to respond, consistent with clause (i)(II).

(G) JUDICIAL REVIEW.—An alien is entitled to judicial review of the Secretary's decision to provisionally deny an application under this paragraph in accordance with the procedures described in section 5126(c).

(4) DEFINITIONS.—For purposes of this subsection—

(A) the term ''felony offense'' means an offense under Federal or State law that is punishable by a maximum term of imprisonment of more than 1 year;

(B) the term ''misdemeanor offense'' means an offense under Federal or State law that is punishable by a term of imprisonment of more than 5 days but not more than 1 year;

(C) the term ''crime of domestic violence'' means any offense that has as an element the use, attempted use, or threatened use of physical force against a person committed by a current or former spouse of the person, by an individual with whom the person shares a child in common, by an individual who is cohabiting with or has cohabited with the person as a spouse, by an individual similarly situated to a spouse of the person under the domestic or family violence laws of the jurisdiction where the offense occurs, or by any other individual against a person who is protected from that individual's acts under the domestic or family violence laws of the United States or any State, Indian tribal government, or unit of local government; and

(D) the term ''convicted'', ''conviction'', ''adjudicated'', or ''adjudication'' does not include a judgment that has been expunged or set aside, that resulted in a rehabilitative disposition, or the equivalent.

(d) LIMITATION ON REMOVAL OF CERTAIN ALIEN MINORS.—An alien who is under 18 years of age and meets the requirements under subparagraphs (A), (B), and (C) of subsection (b)(1) shall be provided a reasonable opportunity to meet the educational requirements under subparagraph (D) of such subsection. The Attorney General or the Secretary may not commence or continue with removal proceedings against such an alien.

(e) WITHDRAWAL OF APPLICATION.—The Secretary of Homeland Security shall, upon receipt of a request to withdraw an application for adjustment of status under this section, cease processing of the application, and close the case. Withdrawal of the application under this subsection shall not prejudice any future application filed by the applicant for any immigration benefit under this title or under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

SEC. 5112. TERMS OF PERMANENT RESIDENT STATUS ON A CONDITIONAL BASIS.

(a) PERIOD OF STATUS.—Permanent resident status on a conditional basis is—

(1) valid for a period of 10 years, unless such period is extended by the Secretary; and

(2) subject to revocation under subsection (c).

(b) NOTICE OF REQUIREMENTS.—At the time an alien obtains permanent resident status on a conditional basis, the Secretary shall provide notice to the alien regarding the provisions of this title and the requirements to have the conditional basis of such status removed.

(c) REVOCATION OF STATUS.—The Secretary may revoke the permanent resident status on a conditional basis of an alien only if the Secretary—

(1) determines that the alien ceases to meet the requirements under section 5111(b)(1)(C); and

(2) prior to the revocation, provides the alien—

(A) notice of the proposed revocation; and

(B) the opportunity for a hearing to provide evidence that the alien meets such requirements or otherwise to contest the proposed revocation.

(d) RETURN TO PREVIOUS IMMIGRATION STATUS.—An alien whose permanent resident status on a conditional basis expires under subsection (a)(1) or is revoked under subsection (c), shall return to the immigration status that the alien had immediately before receiving permanent resident status on a conditional basis.

SEC. 5113. REMOVAL OF CONDITIONAL BASIS OF PERMANENT RESIDENT STATUS.

(a) ELIGIBILITY FOR REMOVAL OF CONDITIONAL BASIS.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall remove the conditional basis of an alien's permanent resident status granted under this title and grant the alien status as an alien lawfully admitted for permanent residence if the alien—

(A) is described in section 5111(b)(1)(C);

(B) has not abandoned the alien's residence in the United States during the period in which the alien has permanent resident status on a conditional basis; and

(C)(i) has obtained a degree from an institution of higher education, or has completed at least 2 years, in good standing, of a program in the United States leading to a bachelor's degree or higher degree or a recognized postsecondary credential from an area career and technical education school providing education at the postsecondary level;

(ii) has served in the Uniformed Services for at least 2 years and, if discharged, received an honorable discharge; or

(iii) demonstrates earned income for periods totaling at least 3 years and at least 75 percent of the time that the alien has had a valid employment authorization, except that, in the case of an alien who was enrolled in an institution of higher education, an area career and technical education school to obtain a recognized postsecondary credential, or an education program described in section 5111(b)(1)(D)(iii), the Secretary shall reduce such total 3-year requirement by the total of such periods of enrollment.

(2) HARDSHIP EXCEPTION.—The Secretary shall remove the conditional basis of an alien's permanent resident status and grant the alien status as an alien lawfully admitted for permanent residence if the alien—

(A) satisfies the requirements under subparagraphs (A) and (B) of paragraph (1);

(B) demonstrates compelling circumstances for the inability to satisfy the requirements under subparagraph (C) of such paragraph; and

(C) demonstrates that—

(i) the alien has a disability;

(ii) the alien is a full-time caregiver; or

(iii) the removal of the alien from the United States would result in hardship to the alien or the alien's spouse, parent, or child who is a national of the United States or is lawfully admitted for permanent residence.

(3) CITIZENSHIP REQUIREMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the conditional basis of an alien's permanent resident status granted under this title may not be removed unless the alien demonstrates that the alien satisfies the requirements under section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1423(a)).

(B) EXCEPTION.—Subparagraph (A) shall not apply to an alien who is unable to meet the requirements under such section 5312(a) due to disability.

(4) APPLICATION FEE.—The Secretary may, subject to an exemption under section 5123(c), require aliens applying for removal of the conditional basis of an alien's permanent resident status under this section to pay a reasonable fee that is commensurate with the cost of processing the application.

(5) BACKGROUND CHECK.—The Secretary may not remove the conditional basis of an alien's permanent resident status until the requirements of section 5122 are satisfied.

(b) TREATMENT FOR PURPOSES OF NATURALIZATION.—

(1) IN GENERAL.—For purposes of title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.), an alien granted permanent resident status on a conditional basis shall be considered to have been admitted to the United States, and be present in the United States, as an alien lawfully admitted for permanent residence.

(2) LIMITATION ON APPLICATION FOR NATURALIZATION.—An alien may not apply for naturalization while the alien is in permanent resident status on a conditional basis.

(c) TIMING OF APPROVAL OF LAWFUL PERMANENT RESIDENT STATUS.—

(1) IN GENERAL.—An alien granted permanent resident status on a conditional basis under this title may apply to have such conditional basis removed at any time after such alien has met the eligibility requirements set forth in subsection (a).

(2) APPROVAL WITH REGARD TO INITIAL APPLICATIONS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary or the Attorney General shall cancel the removal of, and adjust to the status of an alien lawfully admitted for permanent resident status without conditional basis, any alien who—

(i) demonstrates eligibility for lawful permanent residence status on a conditional basis under section 5111(b); and

(ii) subject to the exceptions described in subsections (a)(2) and (a)(3)(B) of this section, already has fulfilled the requirements of paragraphs (1) and (3) of subsection (a) of this section at the time such alien first submits an application for benefits under this title.

(B) BACKGROUND CHECKS.—Subsection (a)(5) shall apply to an alien seeking lawful permanent resident status without conditional basis in an initial application in the same manner as it applies to an alien seeking removal of the conditional basis of an alien's permanent resident status. Section 5111(b)(3) shall not be construed to require the Secretary to conduct more than one identical security or law enforcement background check on such an alien.

(C) APPLICATION FEES.—In the case of an alien seeking lawful permanent resident status without conditional basis in an initial application, the alien shall pay the fee required under subsection (a)(4), subject to the exemption allowed under section 5123(c), but shall not be required to pay the application fee under section 5111(b)(2).

Subtitle B—General Provisions

SEC. 5121. DEFINITIONS.

In this title:

(1) IN GENERAL.—Except as otherwise specifically provided, any term used in this title that is used in the immigration laws shall have the meaning given such term in the immigration laws.

(2) APPROPRIATE UNITED STATES DISTRICT COURT.—The term ''appropriate United States district court'' mean the United States District Court for the District of Columbia or the United States district court with jurisdiction over the alien's principal place of residence.

(3) AREA CAREER AND TECHNICAL EDUCATION SCHOOL.—The term ''area career and technical education school'' has the meaning given such term in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302).

(4) DACA.—The term ''DACA'' means deferred action granted to an alien pursuant to the Deferred Action for Childhood Arrivals policy announced by the Secretary of Homeland Security on June 15, 2012.

(5) DISABILITY.—The term ''disability'' has the meaning given such term in section 3(1) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(1)).

(6) FEDERAL POVERTY LINE.—The term ''Federal poverty line'' has the meaning given such term in section 213A(h) of the Immigration and Nationality Act (8 U.S.C. 1183a).

(7) HIGH SCHOOL; SECONDARY SCHOOL.—The terms ''high school'' and ''secondary school'' have the meanings given such terms in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(8) IMMIGRATION LAWS.—The term ''immigration laws'' has the meaning given such term in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)).

(9) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education''—

(A) except as provided in subparagraph (B), has the meaning given such term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002); and

(B) does not include an institution of higher education outside of the United States.

(10) RECOGNIZED POSTSECONDARY CREDENTIAL.—The term ''recognized postsecondary credential'' has the meaning given such term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

(11) SECRETARY.—Except as otherwise specifically provided, the term ''Secretary'' means the Secretary of Homeland Security.

(12) UNIFORMED SERVICES.—The term ''Uniformed Services'' has the meaning given the term ''uniformed services'' in section 101(a) of title 10, United States Code.

SEC. 5122. SUBMISSION OF BIOMETRIC AND BIOGRAPHIC DATA; BACKGROUND CHECKS.

(a) SUBMISSION OF BIOMETRIC AND BIOGRAPHIC DATA.—The Secretary may not grant an alien adjustment of status under this title, on either a conditional or permanent basis, unless the alien submits biometric and biographic data, in accordance with procedures established by the Secretary. The Secretary shall provide an alternative procedure for aliens who are unable to provide such biometric or biographic data because of a physical impairment.

(b) BACKGROUND CHECKS.—The Secretary shall use biometric, biographic, and other data that the Secretary determines appropriate to conduct security and law enforcement background checks and to determine whether there is any criminal, national security, or other factor that would render the alien ineligible for adjustment of status under this title, on either a conditional or permanent basis. The status of an alien may not be adjusted, on either a conditional or permanent basis, unless security and law enforcement background checks are completed to the satisfaction of the Secretary.

SEC. 5123. LIMITATION ON REMOVAL; APPLICATION AND FEE EXEMPTION; WAIVER OF GROUNDS FOR INADMISSIBILITY AND OTHER CONDITIONS ON ELIGIBLE INDIVIDUALS.

(a) LIMITATION ON REMOVAL.—An alien who appears to be prima facie eligible for relief under this title shall be given a reasonable opportunity to apply for such relief and may not be removed until, subject to section 5126(c), a final decision establishing ineligibility for relief is rendered.

(b) APPLICATION.—An alien present in the United States who has been ordered removed or has been permitted to depart voluntarily from the United States may, notwithstanding such order or permission to depart, apply for adjustment of status under this title. Such alien shall not be required to file a separate motion to reopen, reconsider, or vacate the order of removal. If the Secretary approves the application, the Secretary shall cancel the order of removal. If the Secretary renders a final administrative decision to deny the application, the order of removal or permission to depart shall be effective and enforceable to the same extent as if the application had not been made, only after all available administrative and judicial remedies have been exhausted.

(c) FEE EXEMPTION.—An applicant may be exempted from paying an application fee required under this title if the applicant—

(1) is younger than 18 years of age;

(2) received total income, during the 12-month period immediately preceding the date on which the applicant files an application under this title, that is less than 150 percent of the Federal poverty line;

(3) is in foster care or otherwise lacks any parental or other familial support; or

(4) cannot care for himself or herself because of a serious, chronic disability.

(d) WAIVER OF GROUNDS OF INADMISSIBILITY.—With respect to any benefit under this title, and in addition to the waivers under section 5111(c)(2), the Secretary may waive the grounds of inadmissibility under paragraph (1), (6)(E), (6)(G), or (10)(D) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) for humanitarian purposes, for family unity, or because the waiver is otherwise in the public interest.

(e) ADVANCE PAROLE.—During the period beginning on the date on which an alien applies for adjustment of status under this title and ending on the date on which the Secretary makes a final decision regarding such application, the alien shall be eligible to apply for advance parole. Section 101(g) of the Immigration and Nationality Act (8 U.S.C. 1101(g)) shall not apply to an alien granted advance parole under this section.

(f) EMPLOYMENT.—An alien whose removal is stayed pursuant to this title, who may not be placed in removal proceedings pursuant to this title, or who has pending an application under this title, shall, upon application to the Secretary, be granted an employment authorization document.

SEC. 5124. DETERMINATION OF CONTINUOUS PRESENCE AND RESIDENCE.

(a) EFFECT OF NOTICE TO APPEAR.—Any period of continuous physical presence or continuous residence in the United States of an alien who applies for permanent resident status under this title (whether on a conditional basis or without the conditional basis as provided in section 5113(c)(2)) shall not terminate when the alien is served a notice to appear under section 239(a) of the Immigration and Nationality Act (8 U.S.C. 1229(a)).

(b) TREATMENT OF CERTAIN BREAKS IN PRESENCE OR RESIDENCE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), an alien shall be considered to have failed to maintain—

(A) continuous physical presence in the United States under this title if the alien has departed from the United States for any period exceeding 90 days or for any periods, in the aggregate, exceeding 180 days; and

(B) continuous residence in the United States under this title if the alien has departed from the United States for any period exceeding 180 days, unless the alien establishes to the satisfaction of the Secretary of Homeland Security that the alien did not in fact abandon residence in the United States during such period.

(2) EXTENSIONS FOR EXTENUATING CIRCUMSTANCES.—The Secretary may extend the time periods described in paragraph (1) for an alien who demonstrates that the failure to timely return to the United States was due to extenuating circumstances beyond the alien's control, including the serious illness of the alien, or death or serious illness of a parent, grandparent, sibling, or child of the alien.

(3) TRAVEL AUTHORIZED BY THE SECRETARY.—Any period of travel outside of the United States by an alien that was authorized by the Secretary may not be counted toward any period of departure from the United States under paragraph (1).

(c) WAIVER OF PHYSICAL PRESENCE.—With respect to aliens who were removed or departed the United States on or after January 20, 2017, and who were continuously physically present in the United States for at least 4 years prior to such removal or departure, the Secretary may, as a matter of discretion, waive the physical presence requirement under section 5111(b)(1)(A) for humanitarian purposes, for family unity, or because a waiver is otherwise in the public interest. The Secretary, in consultation with the Secretary of State, shall establish a procedure for such aliens to apply for relief under section 5111 from outside the United States if they would have been eligible for relief under such section, but for their removal or departure.

SEC. 5125. EXEMPTION FROM NUMERICAL LIMITATIONS.

Nothing in this title or in any other law may be construed to apply a numerical limitation on the number of aliens who may be granted permanent resident status under this title (whether on a conditional basis, or without the conditional basis as provided in section 5113(c)(2)).

SEC. 5126. AVAILABILITY OF ADMINISTRATIVE AND JUDICIAL REVIEW.

(a) ADMINISTRATIVE REVIEW.—Not later than 30 days after the date of the enactment of this Act, the Secretary shall provide to aliens who have applied for adjustment of status under this title a process by which an applicant may seek administrative appellate review of a denial of an application for adjustment of status, or a revocation of such status.

(b) JUDICIAL REVIEW.—Except as provided in subsection (c), and notwithstanding any other provision of law, an alien may seek judicial review of a denial of an application for adjustment of status, or a revocation of such status, under this title in an appropriate United States district court.

(c) JUDICIAL REVIEW OF A PROVISIONAL DENIAL.—

(1) IN GENERAL.—Notwithstanding any other provision of law, if, after notice and the opportunity to respond under section 5111(c)(3)(E), the Secretary provisionally denies an application for adjustment of status under this title, the alien shall have 60 days from the date of the Secretary's determination to seek review of such determination in an appropriate United States district court.

(2) SCOPE OF REVIEW AND DECISION.—Notwithstanding any other provision of law, review under paragraph (1) shall be de novo and based solely on the administrative record, except that the applicant shall be given the opportunity to supplement the administrative record and the Secretary shall be given the opportunity to rebut the evidence and arguments raised in such submission. Upon issuing its decision, the court shall remand the matter, with appropriate instructions, to the Department of Homeland Security to render a final decision on the application.

(3) APPOINTED COUNSEL.—Notwithstanding any other provision of law, an applicant seeking judicial review under paragraph (1) shall be represented by counsel. Upon the request of the applicant, counsel shall be appointed for the applicant, in accordance with procedures to be established by the Attorney General within 90 days of the date of the enactment of this Act, and shall be funded in accordance with fees collected and deposited in the Immigration Counsel Account under section 5132.

(d) STAY OF REMOVAL.—

(1) IN GENERAL.—Except as provided in paragraph (2), an alien seeking administrative or judicial review under this title may not be removed from the United States until a final decision is rendered establishing that the alien is ineligible for adjustment of status under this title.

(2) EXCEPTION.—The Secretary may remove an alien described in paragraph (1) pending judicial review if such removal is based on criminal or national security grounds described in this title. Such removal shall not affect the alien's right to judicial review under this title. The Secretary shall promptly return a removed alien if a decision to deny an application for adjustment of status under this title, or to revoke such status, is reversed.

SEC. 5127. DOCUMENTATION REQUIREMENTS.

(a) DOCUMENTS ESTABLISHING IDENTITY.—An alien's application for permanent resident status under this title (whether on a conditional basis, or without the conditional basis as provided in section 5113(c)(2)) may include, as evidence of identity, the following:

(1) A passport or national identity document from the alien's country of origin that includes the alien's name and the alien's photograph or fingerprint.

(2) The alien's birth certificate and an identity card that includes the alien's name and photograph.

(3) A school identification card that includes the alien's name and photograph, and school records showing the alien's name and that the alien is or was enrolled at the school.

(4) A Uniformed Services identification card issued by the Department of Defense.

(5) Any immigration or other document issued by the United States Government bearing the alien's name and photograph.

(6) A State-issued identification card bearing the alien's name and photograph.

(7) Any other evidence determined to be credible by the Secretary.

(b) DOCUMENTS ESTABLISHING ENTRY, CONTINUOUS PHYSICAL PRESENCE, LACK OF ABANDONMENT OF RESIDENCE.—To establish that an alien was younger than 18 years of age on the date on which the alien entered the United States, and has continuously resided in the United States since such entry, as required under section 5111(b)(1)(B), that an alien has been continuously physically present in the United States, as required under section 5111(b)(1)(A), or that an alien has not abandoned residence in the United States, as required under section 5113(a)(1)(B), the alien may submit the following forms of evidence:

(1) Passport entries, including admission stamps on the alien's passport.

(2) Any document from the Department of Justice or the Department of Homeland Security noting the alien's date of entry into the United States.

(3) Records from any educational institution the alien has attended in the United States.

(4) Employment records of the alien that include the employer's name and contact information, or other records demonstrating earned income.

(5) Records of service from the Uniformed Services.

(6) Official records from a religious entity confirming the alien's participation in a religious ceremony.

(7) A birth certificate for a child who was born in the United States.

(8) Hospital or medical records showing medical treatment or hospitalization, the name of the medical facility or physician, and the date of the treatment or hospitalization.

(9) Automobile license receipts or registration.

(10) Deeds, mortgages, or rental agreement contracts.

(11) Rent receipts or utility bills bearing the alien's name or the name of an immediate family member of the alien, and the alien's address.

(12) Tax receipts.

(13) Insurance policies.

(14) Remittance records, including copies of money order receipts sent in or out of the country.

(15) Travel records.

(16) Dated bank transactions.

(17) Two or more sworn affidavits from individuals who are not related to the alien who have direct knowledge of the alien's continuous physical presence in the United States, that contain—

(A) the name, address, and telephone number of the affiant; and

(B) the nature and duration of the relationship between the affiant and the alien.

(18) Any other evidence determined to be credible by the Secretary.

(c) DOCUMENTS ESTABLISHING ADMISSION TO AN INSTITUTION OF HIGHER EDUCATION.—To establish that an alien has been admitted to an institution of higher education, the alien may submit to the Secretary a document from the institution of higher education certifying that the alien—

(1) has been admitted to the institution; or

(2) is currently enrolled in the institution as a student.

(d) DOCUMENTS ESTABLISHING RECEIPT OF A DEGREE FROM AN INSTITUTION OF HIGHER EDUCATION.—To establish that an alien has acquired a degree from an institution of higher education in the United States, the alien may submit to the Secretary a diploma or other document from the institution stating that the alien has received such a degree.

(e) DOCUMENTS ESTABLISHING RECEIPT OF A HIGH SCHOOL DIPLOMA, GENERAL EDUCATIONAL DEVELOPMENT CREDENTIAL, OR A RECOGNIZED EQUIVALENT.—To establish that in the United States an alien has earned a high school diploma or a commensurate alternative award from a public or private high school, has obtained the General Education Development credential, or otherwise has satisfied section 5111(b)(1)(D)(iii), the alien may submit to the Secretary the following:

(1) A high school diploma, certificate of completion, or other alternate award.

(2) A high school equivalency diploma or certificate recognized under State law.

(3) Evidence that the alien passed a State-authorized exam, including the General Education Development test, in the United States.

(4) Evidence that the alien successfully completed an area career and technical education program, such as a certification, certificate, or similar alternate award.

(5) Evidence that the alien obtained a recognized postsecondary credential.

(6) Any other evidence determined to be credible by the Secretary.

(f) DOCUMENTS ESTABLISHING ENROLLMENT IN AN EDUCATIONAL PROGRAM.—To establish that an alien is enrolled in any school or education program described in section 5111(b)(1)(D)(iv) or 5113(a)(1)(C), the alien may submit school records from the United States school that the alien is currently attending that include—

(1) the name of the school; and

(2) the alien's name, periods of attendance, and current grade or educational level.

(g) DOCUMENTS ESTABLISHING EXEMPTION FROM APPLICATION FEES.—To establish that an alien is exempt from an application fee under section 5123(c), the alien may submit to the Secretary the following relevant documents:

(1) DOCUMENTS TO ESTABLISH AGE.—To establish that an alien meets an age requirement, the alien may provide proof of identity, as described in subsection (a), that establishes that the alien is younger than 18 years of age.

(2) DOCUMENTS TO ESTABLISH INCOME.—To establish the alien's income, the alien may provide—

(A) employment records or other records of earned income, including records that have been maintained by the Social Security Administration, the Internal Revenue Service, or any other Federal, State, or local government agency;

(B) bank records; or

(C) at least two sworn affidavits from individuals who are not related to the alien and who have direct knowledge of the alien's work and income that contain—

(i) the name, address, and telephone number of the affiant; and

(ii) the nature and duration of the relationship between the affiant and the alien.

(3) DOCUMENTS TO ESTABLISH FOSTER CARE, LACK OF FAMILIAL SUPPORT, OR SERIOUS, CHRONIC DISABILITY.—To establish that the alien is in foster care, lacks parental or familial support, or has a serious, chronic disability, the alien may provide at least two sworn affidavits from individuals who are not related to the alien and who have direct knowledge of the circumstances that contain—

(A) a statement that the alien is in foster care, otherwise lacks any parental or other familiar support, or has a serious, chronic disability, as appropriate;

(B) the name, address, and telephone number of the affiant; and

(C) the nature and duration of the relationship between the affiant and the alien.

(h) DOCUMENTS ESTABLISHING QUALIFICATION FOR HARDSHIP EXEMPTION.—To establish that an alien satisfies one of the criteria for the hardship exemption set forth in section 5113(a)(2)(C), the alien may submit to the Secretary at least two sworn affidavits from individuals who are not related to the alien and who have direct knowledge of the circumstances that warrant the exemption, that contain—

(1) the name, address, and telephone number of the affiant; and

(2) the nature and duration of the relationship between the affiant and the alien.

(i) DOCUMENTS ESTABLISHING SERVICE IN THE UNIFORMED SERVICES.—To establish that an alien has served in the Uniformed Services for at least 2 years and, if discharged, received an honorable discharge, the alien may submit to the Secretary—

(1) a Department of Defense form DD–214;

(2) a National Guard Report of Separation and Record of Service form 22;

(3) personnel records for such service from the appropriate Uniformed Service; or

(4) health records from the appropriate Uniformed Service.

(j) DOCUMENTS ESTABLISHING EARNED INCOME.—

(1) IN GENERAL.—An alien may satisfy the earned income requirement under section 5113(a)(1)(C)(iii) by submitting records that—

(A) establish compliance with such requirement; and

(B) have been maintained by the Social Security Administration, the Internal Revenue Service, or any other Federal, State, or local government agency.

(2) OTHER DOCUMENTS.—An alien who is unable to submit the records described in paragraph (1) may satisfy the earned income requirement by submitting at least two types of reliable documents that provide evidence of employment or other forms of earned income, including—

(A) bank records;

(B) business records;

(C) employer or contractor records;

(D) records of a labor union, day labor center, or organization that assists workers in employment;

(E) sworn affidavits from individuals who are not related to the alien and who have direct knowledge of the alien's work, that contain—

(i) the name, address, and telephone number of the affiant; and

(ii) the nature and duration of the relationship between the affiant and the alien;

(F) remittance records; or

(G) any other evidence determined to be credible by the Secretary.

(k) AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.—If the Secretary determines, after publication in the Federal Register and an opportunity for public comment, that any document or class of documents does not reliably establish identity or that permanent resident status under this title (whether on a conditional basis, or without the conditional basis as provided in section 5113(c)(2)) is being obtained fraudulently to an unacceptable degree, the Secretary may prohibit or restrict the use of such document or class of documents.

SEC. 5128. RULE MAKING.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall publish in the Federal Register interim final rules implementing this title, which shall allow eligible individuals to immediately apply for relief under section 5111 or 5113(c)(2). Notwithstanding section 553 of title 5, United States Code, the regulation shall be effective, on an interim basis, immediately upon publication, but may be subject to change and revision after public notice and opportunity for a period of public comment. The Secretary shall finalize such rules not later than 180 days after the date of publication.

(b) PAPERWORK REDUCTION ACT.—The requirements under chapter 35 of title 44, United States Code, (commonly known as the ''Paperwork Reduction Act'') shall not apply to any action to implement this title.

SEC. 5129. CONFIDENTIALITY OF INFORMATION.

(a) IN GENERAL.—The Secretary may not disclose or use information (including information provided during administrative or judicial review) provided in applications filed under this title or in requests for DACA for the purpose of immigration enforcement.

(b) REFERRALS PROHIBITED.—The Secretary, based solely on information provided in an application for adjustment of status under this title (including information provided during administrative or judicial review) or an application for DACA, may not refer an applicant to U.S. Immigration and Customs Enforcement, U.S. Customs and Border Protection, or any designee of either such entity.

(c) LIMITED EXCEPTION.—Notwithstanding subsections (a) and (b), information provided in an application for adjustment of status under this title may be shared with Federal security and law enforcement agencies—

(1) for assistance in the consideration of an application for adjustment of status under this title;

(2) to identify or prevent fraudulent claims;

(3) for national security purposes; or

(4) for the investigation or prosecution of any felony offense not related to immigration status.

(d) PENALTY.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than $10,000.

SEC. 5130. GRANT PROGRAM TO ASSIST ELIGIBLE APPLICANTS.

(a) ESTABLISHMENT.—The Secretary of Homeland Security shall establish, within U.S. Citizenship and Immigration Services, a program to award grants, on a competitive basis, to eligible nonprofit organizations that will use the funding to assist eligible applicants under this title by providing them with the services described in subsection (b).

(b) USE OF FUNDS.—Grant funds awarded under this section shall be used for the design and implementation of programs that provide—

(1) information to the public regarding the eligibility and benefits of permanent resident status under this title (whether on a conditional basis, or without the conditional basis as provided in section 5113(c)(2)), particularly to individuals potentially eligible for such status;

(2) assistance, within the scope of authorized practice of immigration law, to individuals submitting applications for adjustment of status under this title (whether on a conditional basis, or without the conditional basis as provided in section 5113(c)(2)), including—

(A) screening prospective applicants to assess their eligibility for such status;

(B) completing applications and petitions, including providing assistance in obtaining the requisite documents and supporting evidence; and

(C) providing any other assistance that the Secretary or grantee considers useful or necessary to apply for adjustment of status under this title (whether on a conditional basis, or without the conditional basis as provided in section 5113(c)(2)); and

(3) assistance, within the scope of authorized practice of immigration law, and instruction, to individuals—

(A) on the rights and responsibilities of United States citizenship;

(B) in civics and English as a second language;

(C) in preparation for the General Education Development test; and

(D) in applying for adjustment of status and United States citizenship.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) AMOUNTS AUTHORIZED.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2020 through 2030 to carry out this section.

(2) AVAILABILITY.—Any amounts appropriated pursuant to paragraph (1) shall remain available until expended.

SEC. 5131. PROVISIONS AFFECTING ELIGIBILITY FOR ADJUSTMENT OF STATUS.

An alien's eligibility to be lawfully admitted for permanent residence under this title (whether on a conditional basis, or without the conditional basis as provided in section 5113(c)(2)) shall not preclude the alien from seeking any status under any other provision of law for which the alien may otherwise be eligible.

SEC. 5132. SUPPLEMENTARY SURCHARGE FOR APPOINTED COUNSEL.

(a) IN GENERAL.—Except as provided in section 5122 and in cases where the applicant is exempt from paying a fee under section 5123(c), in any case in which a fee is charged pursuant to this title, an additional surcharge of $25 shall be imposed and collected for the purpose of providing appointed counsel to applicants seeking judicial review of the Secretary's decision to provisionally deny an application under section 5126(c)(3).

(b) IMMIGRATION COUNSEL ACCOUNT.—There is established in the general fund of the Treasury a separate account which shall be known as the ''Immigration Counsel Account''. Fees collected under subsection (a) shall be deposited into the Immigration Counsel Account and shall to remain available until expended for purposes of providing appointed counsel as required under this title.

(c) REPORT.—At the end of each 2-year period, beginning with the establishment of this account, the Secretary of Homeland Security shall submit a report to the Congress concerning the status of the account, including any balances therein, and recommend any adjustment in the prescribed fee that may be required to ensure that the receipts collected from the fee charged for the succeeding two years equal, as closely as possible, the cost of providing appointed counsel as required under this title.

SEC. 5133. ANNUAL REPORT ON PROVISIONAL DENIAL AUTHORITY.

Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary of Homeland Security shall submit to the Congress a report detailing the number of applicants that receive—

(1) a provisional denial under this title;

(2) a final denial under this title without seeking judicial review;

(3) a final denial under this title after seeking judicial review; and

(4) an approval under this title after seeking judicial review.

TITLE LII—AMERICAN PROMISE ACT

SEC. 5201. SHORT TITLE.

This title may be cited as the ''American Promise Act of 2019''.

Subtitle A—Treatment of Certain Nationals of Certain Countries Designated for Temporary Protected Status or Deferred Enforced Departure

SEC. 5211. ADJUSTMENT OF STATUS FOR CERTAIN NATIONALS OF CERTAIN COUNTRIES DESIGNATED FOR TEMPORARY PROTECTED STATUS OR DEFERRED ENFORCED DEPARTURE.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary or the Attorney General shall cancel the removal of, and adjust to the status of an alien lawfully admitted for permanent residence, an alien described in subsection (b) if the alien—

(1) applies for such adjustment, including submitting any required documents under section 5227, not later than 3 years after the date of the enactment of this Act;

(2) has been continuously physically present in the United States for a period of not less than 3 years before the date of the enactment of this Act; and

(3) is not inadmissible under paragraph (1), (2), (3), (6)(D), (6)(E), (6)(F), (6)(G), (8), or (10) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)).

(b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS.—An alien shall be eligible for adjustment of status under this section if the alien is an individual—

(1) who—

(A) is a national of a foreign state (or part thereof) (or in the case of an alien having no nationality, is a person who last habitually resided in such state) with a designation under subsection (b) of section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a(b)) on January 1, 2017, who had or was otherwise eligible for temporary protected status on such date notwithstanding subsections (c)(1)(A)(iv) and (c)(3)(C) of such section; and

(B) has not engaged in conduct since such date that would render the alien ineligible for temporary protected status under section 244(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1245a(c)(2)); or

(2) who was eligible for Deferred Enforced Departure as of January 1, 2017, and has not engaged in conduct since that date that would render the alien ineligible for Deferred Enforced Departure.

(c) APPLICATION.—

(1) FEE.—The Secretary shall, subject to an exemption under section 5223(c), require an alien applying for adjustment of status under this section to pay a reasonable fee

that is commensurate with the cost of processing the application, but does not exceed $1,140.

(2) BACKGROUND CHECKS.—The Secretary may not grant an alien permanent resident status on a conditional basis under this section until the requirements of section 5222 are satisfied.

(3) WITHDRAWAL OF APPLICATION.—The Secretary of Homeland Security shall, upon receipt of a request to withdraw an application for adjustment of status under this section, cease processing of the application and close the case. Withdrawal of the application under this subsection shall not prejudice any future application filed by the applicant for any immigration benefit under this title or under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

Subtitle B—General Provisions

SEC. 5221. DEFINITIONS.

(a) IN GENERAL.—In this title:

(1) IN GENERAL.—Except as otherwise specifically provided, any term used in this title that is used in the immigration laws shall have the meaning given such term in the immigration laws.

(2) DISABILITY.—The term ''disability'' has the meaning given such term in section 3(1) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(1)).

(3) FEDERAL POVERTY LINE.—The term ''Federal poverty line'' has the meaning given such term in section 213A(h) of the Immigration and Nationality Act (8 U.S.C. 1183a).

(4) IMMIGRATION LAWS.—The term ''immigration laws'' has the meaning given such term in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)).

(5) SECRETARY.—Except as otherwise specifically provided, the term ''Secretary'' means the Secretary of Homeland Security.

(6) UNIFORMED SERVICES.—The term ''Uniformed Services'' has the meaning given the term ''uniformed services'' in section 101(a) of title 10, United States Code.

(b) TREATMENT OF EXPUNGED CONVICTIONS.—For purposes of adjustment of status under this title, the terms ''convicted'' and ''conviction'', as used in sections 212 and 244 of the Immigration and Nationality Act (8 U.S.C. 1182, 1254a), do not include a judgment that has been expunged or set aside, that resulted in a rehabilitative disposition, or the equivalent.

SEC. 5222. SUBMISSION OF BIOMETRIC AND BIOGRAPHIC DATA; BACKGROUND CHECKS.

(a) SUBMISSION OF BIOMETRIC AND BIOGRAPHIC DATA.—The Secretary may not grant an alien adjustment of status under this title unless the alien submits biometric and biographic data, in accordance with procedures established by the Secretary. The Secretary shall provide an alternative procedure for aliens who are unable to provide such biometric or biographic data because of a physical impairment.

(b) BACKGROUND CHECKS.—The Secretary shall use biometric, biographic, and other data that the Secretary determines appropriate to conduct security and law enforcement background checks and to determine whether there is any criminal, national security, or other factor that would render the alien ineligible for adjustment of status under this title. The status of an alien may not be adjusted unless security and law enforcement background checks are completed to the satisfaction of the Secretary.

SEC. 5223. LIMITATION ON REMOVAL; APPLICATION AND FEE EXEMPTION; WAIVER OF GROUNDS FOR INADMISSIBILITY AND OTHER CONDITIONS ON ELIGIBLE INDIVIDUALS.

(a) LIMITATION ON REMOVAL.—An alien who appears to be prima facie eligible for relief under this title shall be given a reasonable opportunity to apply for such relief and may not be removed until, subject to section 5226(c), a final decision establishing ineligibility for relief is rendered.

(b) APPLICATION.—An alien present in the United States who has been ordered removed or has been permitted to depart voluntarily from the United States may, notwithstanding such order or permission to depart, apply for adjustment of status under this title. Such alien shall not be required to file a separate motion to reopen, reconsider, or vacate the order of removal. If the Secretary approves the application, the Secretary shall cancel the order of removal. If the Secretary renders a final administrative decision to deny the application, the order of removal or permission to depart shall be effective and enforceable to the same extent as if the application had not been made, only after all available administrative and judicial remedies have been exhausted.

(c) FEE EXEMPTION.—An applicant may be exempted from paying an application fee required under this title if the applicant—

(1) is younger than 18 years of age;

(2) received total income, during the 12-month period immediately preceding the date on which the applicant files an application under this title, that is less than 150 percent of the Federal poverty line;

(3) is in foster care or otherwise lacks any parental or other familial support; or

(4) cannot care for himself or herself because of a serious, chronic disability.

(d) WAIVER OF GROUNDS OF INADMISSIBILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), with respect to any benefit under this title, and in addition to any waivers that are otherwise available, the Secretary may waive the grounds of inadmissibility under paragraph (1), subparagraphs (A), (C), and (D) of paragraph (2), subparagraphs (D) through (G) of paragraph (6), or paragraph (10)(D) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) for humanitarian purposes, for family unity, or because the waiver is otherwise in the public interest.

(2) EXCEPTION.—The Secretary may not waive a ground described in paragraph (1) if such inadmissibility is based on a conviction or convictions, and such conviction or convictions would otherwise render the alien ineligible under section 244(c)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1254a(c)(2)(B)).

(e) ADVANCE PAROLE.—During the period beginning on the date on which an alien applies for adjustment of status under this title and ending on the date on which the Secretary makes a final decision regarding such application, the alien shall be eligible to apply for advance parole. Section 101(g) of the Immigration and Nationality Act (8 U.S.C. 1101(g)) shall not apply to an alien granted advance parole under this section.

(f) EMPLOYMENT.—An alien whose removal is stayed pursuant to this title, or who has pending an application under this title, shall, upon application to the Secretary, be granted an employment authorization document.

SEC. 5224. DETERMINATION OF CONTINUOUS PRESENCE.

(a) EFFECT OF NOTICE TO APPEAR.—Any period of continuous physical presence in the United States of an alien who applies for adjustment of status under this title shall not terminate when the alien is served a notice to appear under section 239(a) of the Immigration and Nationality Act (8 U.S.C. 1229(a)).

(b) TREATMENT OF CERTAIN BREAKS IN PRESENCE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), an alien shall be considered to have failed to maintain continuous physical presence in the United States under this title if the alien has departed from the United States for any period exceeding 90 days or for any periods, in the aggregate, exceeding 180 days.

(2) EXTENSIONS FOR EXTENUATING CIRCUMSTANCES.—The Secretary may extend the time periods described in paragraph (1) for an alien who demonstrates that the failure to timely return to the United States was due to extenuating circumstances beyond the alien's control, including the serious illness of the alien, or death or serious illness of a parent, grandparent, sibling, or child of the alien.

(3) TRAVEL AUTHORIZED BY THE SECRETARY.—Any period of travel outside of the United States by an alien that was authorized by the Secretary may not be counted toward any period of departure from the United States under paragraph (1).

(c) WAIVER OF PHYSICAL PRESENCE.—With respect to aliens who were removed or departed the United States on or after January 20, 2017, and who were continuously physically present in the United States for at least 3 years prior to such removal or departure, the Secretary may, as a matter of discretion, waive the physical presence requirement under section 5211(a)(2) for humanitarian purposes, for family unity, or because a waiver is otherwise in the public interest. The Secretary, in consultation with the Secretary of State, shall establish a procedure for such aliens to apply for relief under section 5211 from outside the United States if they would have been eligible for relief under such section, but for their removal or departure.

SEC. 5225. EXEMPTION FROM NUMERICAL LIMITATIONS.

Nothing in this title or in any other law may be construed to apply a numerical limitation on the number of aliens who may be granted permanent resident status under this title.

SEC. 5226. AVAILABILITY OF ADMINISTRATIVE AND JUDICIAL REVIEW.

(a) ADMINISTRATIVE REVIEW.—Not later than 30 days after the date of the enactment of this Act, the Secretary shall provide to aliens who have applied for adjustment of status under this title a process by which an applicant may seek administrative appellate review of a denial of an application for adjustment of status, or a revocation of such status.

(b) JUDICIAL REVIEW.—Notwithstanding any other provision of law, an alien may seek judicial review of a denial of an application for adjustment of status, or a revocation of such status, under this title in the United States district court with jurisdiction over the alien's residence.

(c) STAY OF REMOVAL.—

(1) IN GENERAL.—Except as provided in paragraph (2), an alien seeking administrative or judicial review under this title may not be removed from the United States until a final decision is rendered establishing that the alien is ineligible for adjustment of status under this title.

(2) EXCEPTION.—The Secretary may remove an alien described in paragraph (1) pending judicial review if such removal is based on criminal or national security grounds. Such removal does not affect the alien's right to judicial review under this title. The Secretary shall promptly return a removed alien if a decision to deny an application for adjustment of status under this title, or to revoke such status, is reversed.

SEC. 5227. DOCUMENTATION REQUIREMENTS.

(a) DOCUMENTS ESTABLISHING IDENTITY.—An alien's application for permanent resident status under this title may include, as evidence of identity, the following:

(1) A passport or national identity document from the alien's country of origin that includes the alien's name and the alien's photograph or fingerprint.

(2) The alien's birth certificate and an identity card that includes the alien's name and photograph.

(3) A school identification card that includes the alien's name and photograph, and school records showing the alien's name and that the alien is or was enrolled at the school.

(4) A Uniformed Services identification card issued by the Department of Defense.

(5) Any immigration or other document issued by the United States Government bearing the alien's name and photograph.

(6) A State-issued identification card bearing the alien's name and photograph.

(7) Any other evidence determined to be credible by the Secretary.

(b) DOCUMENTS ESTABLISHING CONTINUOUS PHYSICAL PRESENCE.—An alien's application for permanent resident status under this title may include, as evidence that the alien has been continuously physically present in the United States, as required under section 5211(a)(2), the following:

(1) Passport entries, including admission stamps on the alien's passport.

(2) Any document from the Department of Justice or the Department of Homeland Security noting the alien's date of entry into the United States.

(3) Records from any educational institution the alien has attended in the United States.

(4) Employment records of the alien that include the employer's name and contact information.

(5) Records of service from the Uniformed Services.

(6) Official records from a religious entity confirming the alien's participation in a religious ceremony.

(7) A birth certificate for a child who was born in the United States.

(8) Hospital or medical records showing medical treatment or hospitalization, the name of the medical facility or physician, and the date of the treatment or hospitalization.

(9) Automobile license receipts or registration.

(10) Deeds, mortgages, or rental agreement contracts.

(11) Rent receipts or utility bills bearing the alien's name or the name of an immediate family member of the alien, and the alien's address.

(12) Tax receipts.

(13) Insurance policies.

(14) Remittance records, including copies of money order receipts sent in or out of the country.

(15) Travel records.

(16) Dated bank transactions.

(17) Two or more sworn affidavits from individuals who are not related to the alien who have direct knowledge of the alien's continuous physical presence in the United States, that contain—

(A) the name, address, and telephone number of the affiant; and

(B) the nature and duration of the relationship between the affiant and the alien.

(18) Any other evidence determined to be credible by the Secretary.

(c) DOCUMENTS ESTABLISHING EXEMPTION FROM APPLICATION FEES.—An alien's application for permanent resident status under this title may include, as evidence that the alien is exempt from an application fee under section 5223(c), the following:

(1) DOCUMENTS TO ESTABLISH AGE.—To establish that an alien meets an age requirement, the alien may provide proof of identity, as described in subsection (a), that establishes that the alien is younger than 18 years of age.

(2) DOCUMENTS TO ESTABLISH INCOME.—To establish the alien's income, the alien may provide—

(A) employment records or other records of earned income, including records that have been maintained by the Social Security Administration, the Internal Revenue Service, or any other Federal, State, or local government agency;

(B) bank records; or

(C) at least two sworn affidavits from individuals who are not related to the alien and who have direct knowledge of the alien's work and income that contain—

(i) the name, address, and telephone number of the affiant; and

(ii) the nature and duration of the relationship between the affiant and the alien.

(3) DOCUMENTS TO ESTABLISH FOSTER CARE, LACK OF FAMILIAL SUPPORT, OR SERIOUS, CHRONIC DISABILITY.—To establish that the alien is in foster care, lacks parental or familial support, or has a serious, chronic disability, the alien may provide at least two sworn affidavits from individuals who are not related to the alien and who have direct knowledge of the circumstances that contain—

(A) a statement that the alien is in foster care, otherwise lacks any parental or other familiar support, or has a serious, chronic disability, as appropriate;

(B) the name, address, and telephone number of the affiant; and

(C) the nature and duration of the relationship between the affiant and the alien.

(d) AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.—If the Secretary determines, after publication in the Federal Register and an opportunity for public comment, that any document or class of documents does not reliably establish identity or that permanent resident status under this title is being obtained fraudulently to an unacceptable degree, the Secretary may prohibit or restrict the use of such document or class of documents.

SEC. 5228. RULEMAKING.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall publish in the Federal Register interim final rules implementing this title, which shall allow eligible individuals to immediately apply for relief under section 5211. Notwithstanding section 553 of title 5, United States Code, the regulation shall be effective, on an interim basis, immediately upon publication, but may be subject to change and revision after public notice and opportunity for a period of public comment. The Secretary shall finalize such rules not later than 180 days after the date of publication.

(b) PAPERWORK REDUCTION ACT.—The requirements under chapter 35 of title 44, United States Code, (commonly known as the ''Paperwork Reduction Act'') shall not apply to any action to implement this title.

SEC. 5229. CONFIDENTIALITY OF INFORMATION.

(a) IN GENERAL.—The Secretary may not disclose or use information provided in applications filed under this title (including information provided during administrative or judicial review) for the purpose of immigration enforcement.

(b) REFERRALS PROHIBITED.—The Secretary, based solely on information provided in an application for adjustment of status under this title (including information provided during administrative or judicial review), may not refer an applicant to U.S. Immigration and Customs Enforcement, U.S. Customs and Border Protection, or any designee of either such entity.

(c) LIMITED EXCEPTION.—Notwithstanding subsections (a) and (b), information provided in an application for adjustment of status under this title may be shared with Federal security and law enforcement agencies—

(1) for assistance in the consideration of an application for adjustment of status under this title;

(2) to identify or prevent fraudulent claims;

(3) for national security purposes; or

(4) for the investigation or prosecution of any felony not related to immigration status.

(d) PENALTY.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than $10,000.

SEC. 5230. GRANT PROGRAM TO ASSIST ELIGIBLE APPLICANTS.

(a) ESTABLISHMENT.—The Secretary of Homeland Security shall establish, within U.S. Citizenship and Immigration Services, a program to award grants, on a competitive basis, to eligible nonprofit organizations that will use the funding to assist eligible applicants under this title by providing them with the services described in subsection (b).

(b) USE OF FUNDS.—Grant funds awarded under this section shall be used for the design and implementation of programs that provide—

(1) information to the public regarding the eligibility and benefits of permanent resident status under this title, particularly to individuals potentially eligible for such status;

(2) assistance, within the scope of authorized practice of immigration law, to individuals submitting applications for adjustment of status under this title, including—

(A) screening prospective applicants to assess their eligibility for such status;

(B) completing applications and petitions, including providing assistance in obtaining the requisite documents and supporting evidence; and

(C) providing any other assistance that the Secretary or grantee considers useful or necessary to apply for adjustment of status under this title; and

(3) assistance, within the scope of authorized practice of immigration law, and instruction, to individuals—

(A) on the rights and responsibilities of United States citizenship;

(B) in civics and English as a second language;

(C) in preparation for the General Education Development test; and

(D) in applying for adjustment of status and United States citizenship.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) AMOUNTS AUTHORIZED.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2021 through 2031 to carry out this section.

(2) AVAILABILITY.—Any amounts appropriated pursuant to paragraph (1) shall remain available until expended.

SEC. 5231. PROVISIONS AFFECTING ELIGIBILITY FOR ADJUSTMENT OF STATUS.

An alien's eligibility to be lawfully admitted for permanent residence under this title shall not preclude the alien from seeking any status under any other provision of law for which the alien may otherwise be eligible.

PRIVILEGES OF THE FLOOR

Mr. INHOFE. Mr. President, I ask unanimous consent to grant floor privileges for the duration of the consideration of the NDAA to Travis Tarbox, my defense fellow, and Jillian Schofield, our GAO detailee.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMPROVING SOCIAL SECURITY'S SERVICE TO VICTIMS OF IDENTITY THEFT ACT

On Tuesday, June 16, 2020, the Senate passed S. 3731, as follows:

S. 3731

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Improving Social Security's Service to Victims of Identity Theft Act''.

SEC. 2. SINGLE POINT OF CONTACT FOR IDENTITY THEFT VICTIMS.

(a) IN GENERAL.—Title VII of the Social Security Act (42 U.S.C. 901 et seq.) is amended by adding at the end the following:

''SEC. 714. SINGLE POINT OF CONTACT FOR IDENTITY THEFT VICTIMS.

''(a) IN GENERAL.—The Commissioner of Social Security shall establish and implement procedures to ensure that any individual whose social security account number has been misused (such as to fraudulently obtain benefits under title II, VIII, or XVI of this Act, or in a manner that affects an individual's records at the Social Security Administration, or in a manner that prompts the individual to request a new social security account number) has a single point of contact at the Social Security Administration throughout the resolution of the individual's case. The single point of contact shall track the individual's case to completion and coordinate with other units to resolve issues as quickly as possible.

''(b) SINGLE POINT OF CONTACT.—

''(1) IN GENERAL.—For purposes of subsection (a), the single point of contact shall consist of a team or subset of specially trained employees who—

''(A) have the ability to coordinate with other units to resolve the issues involved in the individual's case, and

''(B) shall be accountable for the case until its resolution.

''(2) TEAM OR SUBSET.—The employees included within the team or subset described in paragraph (1) may change as required to meet the needs of the Social Security Administration, provided that procedures have been established to—

''(A) ensure continuity of records and case history, and

''(B) notify the individual when appropriate.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 180 days after the date of enactment of this Act.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER (Mr. DAINES). Under the previous order, the Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 7:48 p.m., adjourned until Tuesday, June 30, 2020, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

UNITED STATES INTERNATIONAL DEVELOPMENT FINANCE CORPORATION

CHRISTOPHER P. VINCZE, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INTERNATIONAL DEVELOPMENT FINANCE CORPORATION FOR A TERM OF THREE YEARS. (NEW POSITION)

FOREIGN SERVICE

THE FOLLOWING–NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE TO BE A FOREIGN SERVICE OFFICER, A CONSULAR OFFICER, AND A SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

SHEFALI AGRAWAL, OF PENNSYLVANIA
ILONA ALEKSANDROVA, OF NEW YORK
ALICIA M. ARENDT, OF PENNSYLVANIA
DIEGO A. ARIAS, OF NEW JERSEY
TANYA R. AUSTIN, OF ILLINOIS
SCOTT A. BELL, OF THE DISTRICT OF COLUMBIA
JULIA A. BENSON, OF ARKANSAS
SOPHIA AZEB BERHIE, OF WEST VIRGINIA
XAVIER J. BILLINGSLEY, OF TEXAS
DAVID BASHIRIAN BISHOP, OF PENNSYLVANIA
STEPHANIE M. BOHLEN, OF WASHINGTON
SALLY F. BOYLE, OF ARIZONA
RHIANNON M. BRAMER, OF FLORIDA
RYAN M. CALDWELL, OF NORTH CAROLINA
DANIEL M. CAPONE, OF FLORIDA
JESSICA N. CARRILLO, OF VIRGINIA
MATTHEW B. CARROLL, OF VIRGINIA
ALLISON GRIFFITH CARTER OLSON, OF VIRGINIA
DOUGLAS CHINYUL CHOI, OF TEXAS
KELLY C. CLAYTON, OF OHIO
KHATIJAH S. COREY, OF CALIFORNIA
DANIELA X. CORNEJO SUAREZ, OF VIRGINIA
DEETTA R. CRAVENS, OF OKLAHOMA
ELENA E. HOLLOWELL CREASON, OF VIRGINIA
ANA HILDA DE LA CRUZ, OF NEW YORK
KEITH T. DEVEREAUX, OF VIRGINIA
CONOR S. DICKINSON, OF VIRGINIA
JILL A. DILOSA, OF TEXAS
MITCHELL D. DOBBS, OF ALABAMA
KELLY R. DODGE, OF THE DISTRICT OF COLUMBIA
LARRY V. DUMLAO, OF TEXAS
NURSULTAN A. ELDOSOV, OF MARYLAND
JESSICA LYNN ELMSHAEUSER, OF COLORADO
SARA ELSAYED, OF ILLINOIS
LAURA E. ETTABBAKH, OF PENNSYLVANIA
SORIBEL L. FELIZ, OF VIRGINIA
SARA A. FEUERSTEIN, OF NEW YORK
JENNIFER LYNN GAROFALINI, OF FLORIDA
DANIEL T. GETAHUN, OF NEVADA
LAILA M. GILLAM, OF COLORADO
DANIEL J. GLASER, OF PENNSYLVANIA
MICHAEL H. GRITZBAUGH, OF NEW MEXICO
BENJAMIN J. GROB FITZGIBBON, OF VIRGINIA
JUSTIN RANDALL HALPERN, OF NEW JERSEY
CHARLES F. HARRISON, OF SOUTH CAROLINA
CHRISTOPHER MICHAEL HOFMANN, OF MARYLAND
MOLLY M. HOLLOWELL, OF VIRGINIA
SVEN E. JENSEN, OF TEXAS
LEO A. JILK, OF MINNESOTA
SAMANTHA A. JORDAN, OF VIRGINIA
SARAH E. KAHNT, OF TEXAS
TARYN N. KAILI, OF HAWAII
JOSHUA M. LAMB, OF INDIANA
HEATHER M. LORESCH, OF VIRGINIA
ETHAN D. LYNCH, OF KENTUCKY
MAWUSI ANELA MALIK, OF VIRGINIA
DOUGLAS T. MANN, OF VIRGINIA
CRISTIAN N. MARTINEZ–LUSANE, OF CALIFORNIA
NOLAN P. MASTERSON, OF VIRGINIA
MICHAEL J. MCGUIRE, OF VIRGINIA
DAVID A. MENDEZ, OF CALIFORNIA
FOREST C. MOORE, OF TEXAS
UMAR A. MOULTA ALI, OF TEXAS
AMAURY MUNOZ, OF NEW YORK
ZEHRA NAQVI, OF NEW YORK
DANIELLE C. NESMITH, OF MARYLAND
KRISTIN M. O'GRADY, OF OREGON
JAMES R. O'LEARY, OF VIRGINIA
DESDEMONA B. PENASCINO, OF VIRGINIA
DANA PINOLI, OF FLORIDA
MAI V. RETTENMAYER, OF ARIZONA
KEOME R. ROWE, OF TEXAS
JASON RUBIN, OF VIRGINIA
LAURA ERION SANDERS, OF THE DISTRICT OF COLUMBIA
AMY A. SIMMS, OF MICHIGAN
KENTON PHILLIP SLAUGHTER, OF GEORGIA
MATTHEW D. SMITH, OF OKLAHOMA
CHRISTOPHER G. STAFF, JR., OF WASHINGTON
SYLVIA I. STANKOVA–LOOMIS, OF WISCONSIN
ANDREW J. STEVENSON, OF WASHINGTON
EDWARD B. SWANN, OF PENNSYLVANIA
CHRISTOPHER F. TATUM, OF TENNESSEE
CLAIRE G. THOMAS, OF VIRGINIA
EMA D. TURANOVICOVA, OF MASSACHUSETTS
GREGORY J. VIOLA, OF NEW YORK
IDASHLA K. WAGNER, OF VIRGINIA
JAMES A. WATERMAN, OF CALIFORNIA
DEBORAH A. WHANG, OF THE DISTRICT OF COLUMBIA
DIANA M. WICK–PALDANO, OF VIRGINIA
JEFFREY MARSHALL WILLEY, OF FLORIDA
DANIEL L. WILSON, OF FLORIDA
JOHN ERIC WRIGHT, OF WASHINGTON
KATHERINE A. WRIGHT, OF FLORIDA
ONEJIN WU, OF CALIFORNIA

THE FOLLOWING–NAMED CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION WITHIN THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER–COUNSELOR:

DARIA LEIGH DARNELL, OF VIRGINIA

THE FOLLOWING–NAMED CAREER MEMBERS OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR:

ALEJANDRO BAEZ, OF TEXAS
TERRENCE ROBERT FLYNN, OF ILLINOIS
MICHAEL B. GOLDMAN, OF WASHINGTON
AMY N. TACHCO, OF THE DISTRICT OF COLUMBIA
FRANK J. WIERICHS, OF FLORIDA

THE FOLLOWING–NAMED CAREER MEMBER OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AS A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND A CONSULAR OFFICER AND A SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

MICHAEL B. SCHOOLING, OF CALIFORNIA

THE FOLLOWING–NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE TO BE A CONSULAR OFFICER AND A SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

ANNA MAE G. AKERS, OF VIRGINIA
RICHARD JOHN AMBROSE III, OF THE DISTRICT OF COLUMBIA
RICHARD D. ANDERSON, OF VIRGINIA
JACQUELINE LEIGH ANDROS, OF MARYLAND
LAUREN TAYLOR AVEY, OF VIRGINIA
RICHARD YOUNG BECKMAN, OF VIRGINIA
MICHAEL S. BEERY, OF VIRGINIA
BRITTAIN BENNETT, OF VIRGINIA
JENS K. BERGENSER, OF VIRGINIA
BENJAMIN JAMES BERK, OF THE DISTRICT OF COLUMBIA
LINDSEY K. BOWMAN, OF NEW HAMPSHIRE
TIMOTHY VINCENT BRAUHN, OF COLORADO
ADAM M. BROCK, OF WASHINGTON
EMMA M. BROWNING, OF GEORGIA
ALVIN LEE BUTLER, OF TEXAS
ANTHONY R. BYRD, OF GEORGIA
JEFFREY DANIEL CAUDILL, OF VIRGINIA
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MEREDITH C. CHARTER, OF VIRGINIA
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EXTENSIONS OF REMARKS

CELEBRATING THE LIFE OF FATHER KENNETH WESTRAY

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 29, 2020

Ms. PELOSI. Madam Speaker, I rise to pay tribute to Father Kenneth Westray, pastor of St. Vincent de Paul Parish in San Francisco and a civil and human rights champion in our city, who sadly passed away last week, on June 24, 2020.

Father Westray was a pillar of the San Francisco community whose selfless leadership was a tribute to the mission of the namesake of our parish, St. Vincent. He ministered to the poor and the most vulnerable in our community with great love, respect and faith. We all will remember and be inspired by the unwavering compassion and courage he showed in the face of the AIDS epidemic, which brought strength and solace to so many during one of the darkest chapters of our city's and country's history.

Personally, my husband Paul, my family and I were deeply saddened to hear of Father Westray's passing. Our family have been parishioners at St. Vincent de Paul for generations, since Paul's parents John and Corinne Pelosi became parishioners in the 1930s. We count ourselves blessed to have known Father Westray, beloved by all for his kind and gentle soul, who strengthened our church as he built community and inspired love for service and love for God.

We enjoyed being with Father Ken in San Francisco and even in Washington. I had the privilege of welcoming Father Ken and his family to the U.S. Capitol for the visit of Pope Francis. His mother Jean was beaming with pride in him that day and on her visits to San Francisco. We shared a dedication to the San Francisco Interfaith Council and the San Francisco 49ers.

Over forty years, Father Westray was a powerful force for good in our community, lifting up the lives of so many. Although born in our nation's capital, Father Westray was proudly claimed by San Franciscans as a son of our city. He completed his seminary studies at St. Patrick's Seminary in Menlo Park and dedicated the rest of his life to ministering to the needs of our Bay Area community.

After-being ordained to the priesthood by Archbishop Quinn at St. Mary's Cathedral, Father Westray began his first assignment as associate pastor at Sacred Heart Church in San Francisco. Over the next forty years, he would serve in parishes throughout our city: at St. Elizabeth Parish, on the Council of Priests, at Sacred Heart Grammar School where he would minister for 14 years, at St. Sebastian Parish in Greenbrae, at St. Isabella Parish in San Rafael, and at our St. Vincent de Paul Parish. He served several terms on the Board of Directors of the San Francisco Interfaith Council, a powerful force for healing and unity in our community, including on its inaugural Board.

Father Westray served our community and country in so many ways, including both in the church and in uniform. Before entering seminary, he was a Merchant Marine and later served with the Military Vicariate as chaplain in the United States Navy Inactive Reserve.

May Father Westray' s lifetime of compassionate leadership to lift up the least of these continue to be a blessing to our community. May it be a comfort to Father Westray's family, his mother Jean, sister Cecilia, brother Kevin and nephew Vonty, that Archbishop Cordileone, the entire St. Vincent de Paul Parish and so many others mourn their loss and pray for them during this sad time.

HONORING BUFFY JAMISON

HON. CYNTHIA AXNE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 29, 2020

Mrs. AXNE. Madam Speaker, I rise today to ask the U.S. House of Representatives to join me in recognizing Buffy Jamison, co-founder and co-chair of the Iowa Queer Communities of Color Coalition, as our Iowan of the Week for the final full week of Pride Month.

Pride 2020 has looked a little different than in years past. While the parades and events did not occur as originally planned, people of all genders and sexual orientations are still celebrating the tremendous strides and achievements that the LGBTQIA+ community has made throughout our history.

The observance of Pride means both commemorating the anniversary of the Stonewall Riots, which began on June 28, 1969, as well as celebrating achievement, diversity, and acceptance of our LGBTQIA+ friends and family. Pride also reminds us that the fight for equality of opportunity and justice for all is not yet complete. Even fifty years later, the same rejection of police brutality and discrimination is at the forefront of our conscience, as an intersectional issue, and protests and activism are once again promoting necessary reform.

That's why I've chosen Buffy as our Iowan of the Week. With the Iowa Queer Communities of Color Coalition, she works to address the inequity of services, socioeconomic disparities, and institutional racism experienced by communities through education, advocacy, intentional inclusivity, and organizing.

Buffy is a native Iowan who has worked both in a leadership role within community organizations and as an educator. After receiving her Master's in Higher Education from the University of Denver, Buffy returned to Iowa to dedicate her time and efforts to helping educate the general public about our marginalized communities who are too often overlooked in vital conversations and policymaking.

As Program Coordinator and LGBTQ Healthcare Liaison working with One Iowa, Buffy has helped train thousands of people on issues of intersectionality and inclusion. By emphasizing education that exposes individuals to issues they may not come into contact within their own lives, she has been a leader in our state—making sure the voices of those long ignored by history are brought to the forefront.

Buffy works every single day to ensure our society actively considers the work still to be done. By shining a light on the challenges still ahead, and instructing our friends and neighbors on meaningful actions that can be undertaken at every level, she helps move us toward achieving a more perfect union.

In honor of Buffy's contributions to our state, and the work she puts in every day, I'm proud to name her Iowan of the Week.

HONORING THE 100TH BIRTHDAY OF WORLD WAR II VETERAN WILLIAM J. KULL

HON. HARLEY ROUDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 29, 2020

Mr. ROUDA. Madam Speaker, I rise today to recognize the 100th birthday of U.S. Army and World War II Veteran, William J. Kull of Huntington Beach, CA. Mr. Kull's patriotism and commitment to serve his community and the United States as a member of America's greatest generation should serve as an example for all especially as we continue to confront the challenges our nation faces today.

A young husband and father, Mr. Kull was a member of the New York Fire Department when he was drafted into the service in 1944. He completed Basic Training in South Carolina, then sailed to Glasgow on the HMS Queen Elizabeth, then took a Belgian ship to France. On June 6th, 1944, approximately 156,000 American, Canadian, and British forces landed on five beaches in the Normandy region of France. The operation took months of planning by General Dwight Eisenhower, who coordinated and led the attack of troops from three different nations. Mr. Kull was assigned to Rifle Company, 1st Battalion, 12th Regiment in the 4th Division, U.S. Army when he arrived the next day to replace the massive casualties sustained in battle.

Landing on Utah Beach, he saw six months of fighting on the frontlines, during which time he was promoted quickly through the ranks from Private to Staff Sergeant. His unit fought their way through Belgium and arrived in Germany before realizing confrontation at the Battle of Hurtgen Forest. Mr. Kull recalled it as "a terrible place . . . when we left, it wasn't a forest anymore."

Mr. Kull continued through the perilous challenges of war, including fighting at the Battle of the Bulge. Not knowing his sergeant had surrendered, Mr. Kull was fiercely engaged with the enemy when a German rifle held him at gunpoint. Now a Prisoner of War, in a miraculous display of loyalty to duty and country, it took only a few hours for him to escape, along with other members of his unit, and catch up with his remaining company.

Against overwhelming odds, Mr. Kull and a couple of other squads continued to fight. Members of the 5th Division arrived to relieve them on Christmas Eve. Travelling by truck back into France, he was sent to hold the Remagen Bridge, only just captured by American Forces. He recalled that once they crossed the Rhine River and then went along the Danube, they were met with sporadic resistance.

With the war in the European Theatre essentially over, his unit remained as part of the occupying forces and shipped back to France. He received many medals, badges and citations for his exemplary service including the Order of Leopold II with Palm Degree of Chevalier and the Croix d'Guerre with Palm Leaf cluster. He was awarded the Bronze Star with Oakleaf Cluster ''for exemplary conduct in ground combat against the armed enemy on or about 12 November 1944 in the European Theater of Operations.''

Mr. Kull left military service in 1945 and returned to the New York Fire Department where he retired after twenty-three years of service. He has three sons Richard, David and Chuck who reside in Colorado and Texas. Mr. Kull exemplifies incredible intelligence, courage, and perseverance, and we must show our due appreciation and honor to all the men and women who lost their lives to help end the war. I truly admire Mr. Kull for answering the call of duty during one of the most historic moments in our nation's history. On this day we pay tribute to his service to our country and wish him a very happy 100th birthday.

I ask that all Members join me in honoring the birthday of William J. Kull on June 29th.

PERSONAL EXPLANATION

HON. RALPH LEE ABRAHAM

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 29, 2020

Mr. ABRAHAM. Madam Speaker, on Friday, June 26, I was unavoidably detained on Roll Call Vote No. 122. Had I been present to vote I would have voted ''NAY'' on Roll Call Vote No. 122.

PERSONAL EXPLANATION

HON. DARIN LaHOOD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 29, 2020

Mr. LAHOOD. Madam Speaker, on Thursday, June 25, 2020, I missed votes due to flight changes and delays. Had I been present, I would have voted NAY on Roll Call No. 116, and NAY on Roll Call No. 117.

SMITH REYNOLDS AIRPORT

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 29, 2020

Ms. FOXX of North Carolina. Madam Speaker, the Smith Reynolds Airport—located in North Carolina's Fifth District—is set to be designated as North Carolina's first legacy airport.

Originally named Miller Municipal Field in 1927, the airport was soon renamed in 1942 after the Z. Smith Reynolds Foundation made a donation to the airport.

Since its inception, the airport has served as an Army Corps facility and was the birthplace for Piedmont Airlines, the legacy carrier that merged with US Airways.

The Smith Reynolds airport has been a vital component of the Piedmont community. Through this designation, its impact will lead to further growth and innovation within North Carolina's aviation sector and will serve as a boon to the stat and local economy.

PERSONAL EXPLANATION

HON. MIKE GALLAGHER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 29, 2020

Mr. GALLAGHER. Madam Speaker, I am back home in Green Bay, Wisconsin on paternity leave with my family. Had I been present, I would have voted NAY on Roll Call No. 120; YEA on Roll Call No. 121; and NAY on Roll Call No. 122.

PERSONAL EXPLANATION

HON. SUSAN W. BROOKS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 29, 2020

Mrs. BROOKS of Indiana. Madam Speaker, I was not present for the following roll call votes. Had I been present for them, I would have voted as follows: Roll Call 120—Veto Message to Accompany H.J. Res. 76, Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Education relating to ''Borrower Defense Institutional Accountability''—NAY, Roll Call 121—Republican Motion to Recommit on H.R. 51—YAY, and Roll Call 122—H.R. 51—Washington, D.C. Admission Act—NAY.

TRIBUTE TO DOTTIE REICHARD

HON. JOSEPH P. KENNEDY III

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 29, 2020

Mr. KENNEDY. Madam Speaker, I rise today to include in the RECORD a statement on behalf of my predecessor, Congressman Barney Frank.

One of the great bargains the American people get is the hard work done by the unselfish men and women who work for members of Congress.

No one I have been lucky enough to work with exemplifies that better than Dottie Reichard, who died last week after a great public career.

Sometimes the smartest things you do take the least effort. I inherited Dottie in 1980 in my first run for the House from my predecessor, Fr. Robert Drinan. No decision I made in fifty years in government did as much good, not just for me, but for the people and values I tried to serve.

She was an exemplary combination of all the virtues required to make government work the way it is supposed to. A first rate intelligence, unshakeable integrity, and unstinting compassion rarely coexist in equal force in one person with perfect political instincts, great organizational ability, and niceness. They did in Dottie.

The skill, generosity and absolute efficiency with which she coped with two unconventional and sometimes challenging personalities—Fr. Drinan and me—were all the more remarkable for how easy she made it look. But she didn't fool everybody. When I had the sad responsibility to share the news of her death with the people she had worked with, the genuine sadness was universal that we lost someone special.

No politician ever had a better supporter, teacher, friend, counselor, or—most of all-colleague—than I had in Dottie Reichard.

RECOGNIZING THE LATE PEDRO SALAS FOR HIS DEDICATION TO MANY CONTRIBUTIONS HE MADE FOR HIS COUNTRY AND COMMUNITY

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 29, 2020

Mr. HIGGINS of New York. Madam Speaker, I rise today to honor the late Pedro Salas, a Vietnam War Veteran and active member of his community in Buffalo, New York. Salas, also known as Pete or Pello, was born in Moca, Puerto Rico in 1949 to Ignacio Salas-Lorenzo and Maria Gonzalez-Soto de Salas, and moved to Buffalo's West Side in the early 1950s with his family. Salas' family was deeply involved in the flourishing Puerto Rican businesses within the growing Latino neighborhoods.

Salas graduated from Grover Cleveland High School in 1968 and earned his degree at the University at Buffalo, where he was also a member of the University's Latino Student Organization, PODER.

Salas was drafted into the Vietnam War, where he courageously served in the United States Army. He was stationed in Germany and received an honorable discharge as a ranking Specialist. Salas' extensive career also included working for General Motors and Westinghouse, as well as serving as an academic counselor at the University at Buffalo, and as a counselor at the New York State Division for Youth. Salas' dedication to civil service is also reflected in his active membership in the American Legion, where he served as an active contributor to the Francis A. Lombardo American Legion Post. Salas was also one of several veterans who worked to found the Gabriel A. Rodriguez American Legion Post 1928, and he served as the organization's First Commander, in which he recognized the contributions of Latino veterans in Western New York.

In addition to Salas' dedication to his community, he was also a loving husband to his wife Ana Lopez, and a loving father to his three children: Mariana, nicknamed Mimi, Pedro Jose, nicknamed P.J, and Michael. Salas is also survived by his three grandchildren: Nick, Mari, and A.J, as well as his brother, Arturo. He was a dedicated sports fan, who was actively involved in local Puerto

Rican softball leagues and was known to have never missed a Bills game.

I wish to thank and honor Pedro Salas today, and his dedication to the United States Army, as well as his active participation in civil service organizations that aided in expanding the ways in which Latino Veterans are honored and remembered. His family, local community, and the United States as a whole are better for having known Salas and we stand here today to recognize his impactful leadership and heartfelt commitment. I thank Pete Salas, for his life-long service and dedication to this country.

RECOGNIZING THE OUTSTANDING ACCOMPLISHMENTS OF MR. WILL DEGREGORIO

HON. TOM MALINOWSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 29, 2020

Mr. MALINOWSKI. Madam Speaker, I rise today to recognize the memory of William ''Will'' DeGregorio, a beloved member of the Cranford, NJ community.

A fiercely dedicated member of his community, Will worked with the New Jersey State Legislature to advance S1538/A894, a bill to create a State pediatric cancer fund to advance research efforts in the battle against pediatric cancer. The measure sought further to amend the personal income tax form to allow filers to make direct contributions to the fund. Although the measure remains outstanding, Will's contributions demonstrates his ability and willingness to use the means he had available to him to make the most positive change he could. Will also always remained active and engaged in his local community, particularly with sports organizations—most notably the Cranford Police Athletic League (PAL), in which Will played sport for much of his life.

When he was not doing his civic duty to improve the lives of others and communities around him, Will loved anything and everything related to sports and was a fierce competitor. He loved playing video games with his friends and bantering back and forth about plays, players, and coaches with anyone that would challenge his knowledge of the sport and the game. He loved the color blue, any shade of it mainly because blue represented all of his favorite professional teams: The Giants, Yankees, and Rangers.

Will always sought to unite, rather than divide, those around him. His charm was one way to do this, but he also embraced #WillPower and #WillsWarriors hashtags as rallying cries to face adversity with a positive attitude. Though he faced a myriad of challenges in his life, his grit and determination allowed him to brighten up every room he entered. His beautiful blue eyes and infectious smile and giggle allowed everyone around him to feel at ease, even when he was in discomfort. He had a gift for making people laugh, most especially his friends at Brookside Place School in Cranford.

Madam Speaker, please join me today in recognizing the extraordinary accomplishments of Will DeGregorio.

INTRODUCTION OF THE PROTECTING RENTERS FROM EVICTIONS AND FEES ACT

HON. JESÚS G. ''CHUY'' GARCÍA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 29, 2020

Mr. GARCÍA of Illinois. Madam Speaker, I rise today to introduce the Protecting Renters from Evictions and Fees Act along with my colleague, BARBARA LEE.

Our country is facing an unprecedented pandemic and an economic crisis greater than we've seen in generations. I'm introducing this bill which will prohibit the eviction of tenants for failure to pay rent or additional fees because if people across the country are forced out of their homes then both of the crises we face will deepen.

More than half of my constituents in Chicago rent their homes. Businesses in my district have closed or reduced hours, and some of them won't reopen again. My district is a working class, immigrant district, and far too many of my neighbors have to choose between putting food on the table and paying rent. Many of them can't access some of the benefits that Congress passed because they don't have sufficient documentation. They should not have to worry about losing their home during a public health crisis.

I am introducing this bill today so that they don't have to. I urge this body to advance this legislation.

TRIBUTE TO THE MICHIGAN GRADUATES OF THE WEST POINT CLASS OF 2020

HON. JOHN R. MOOLENAAR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 29, 2020

Mr. MOOLENAAR. Madam Speaker, I rise today to pay tribute to the 2020 graduates of the United States Military Academy from the state of Michigan.

Brilliant and talented young Americans from across the country spend four years studying and serving at West Point, our nation's oldest military academy. Each one undergoes rigorous training and testing, preparing to serve our country and its mission around the world. This challenging experience culminates with graduation and commissioning, after which these exceptional individuals go on to serve our country proudly.

The class of 2020 has impressively faced the additional challenges of these unprecedented times and I am proud to say that all the cadets from Michigan have graduated and are officially commissioned as Second Lieutenants in the United States Army. As a West Point parent, myself, I hope that the values of Duty, Honor, and Country that have been instilled in them follow them throughout their careers in the Army and in their future endeavors. I want to wish a strong congratulations to:

Nicholas Bennett-Carpenter, Grace C. Beverage, Bayleigh L. Gable, Noah M. Hanau, Nathan P. Hein, Hannah E. Homsy, Connor M. Ingleson, Adam P. Kopp, Jacob D. Lemelin, Ian D. Mackinnon, Gavin P. McAuliffe, Ashleigh P. McCabe, Bryce A. Meylan, Damaria A. Morton, Wynter C. Nickless.

Scott J. Nieboer, James A. Niemeyer, Riley D. Page, Tyler T. Picardat, Ross R. Reason, Lindsey M. Reichard, Matthew J. Robinson, Ryan A. Rocca, Michael S. Shin, Patrick D. Sutherland, James E. Tweedie, Benjamin C. Vollbach, Benedict G. Watson, Benjamin W. Whitlow, Benjamin Q. Xu, Amy T. Ziccarello.

On behalf of the Fourth Congressional District of Michigan, I am honored today to recognize the newly commissioned Second Lieutenants from our state and extend my deepest appreciation for their sacrifice and commitment lo Michigan and the United States of America.

TRIBUTE TO HONOR THE LIFE OF WILLIAM A. MILLICHAP

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 29, 2020

Ms. ESHOO. Madam Speaker, I rise today to honor the life and work of William A. Millichap, a native of Glen Ellyn, Illinois, who died on June 22, 2020, at the age of 76.

William Millichap was a graduate of the University of Maryland and served his country as an officer in the United States Navy. In 1971, he joined what was then G.M. Marcus Company and quickly rose through the ranks. He became the President of Marcus and Millichap in 1986, a post he held until 2000, and he has been the company's Co-Chairman since then.

Mr. Millichap was managing partner of Marcus and Millichap Venture Partners and served on the boards of Essex Property Trust and Loopnet. He was a Director of the National Multifamily Housing Council, and a member of the International Council of Shopping Centers, the Urban Land Institute and the National Venture Capital Association. Among his many accomplishments he helped launch San Jose National Bank and the Mid-Peninsula Bank of Commerce.

Hassam Nadji, CEO of Marcus and Millichap said that ''Bill's passion and commitment to providing the best support to our sales force and creating value for our clients were contagious and remain essential parts of our culture to this day.''

William Millichap's Co-Chair at Marcus and Millichap, George Marcus, is quoted as saying that ''Bill was the truest of friends that one could ever have, and a real partner in good times and challenging ones. He was a unique and exceptional leader, coach and innovator. All who knew him would point to his intelligence, endless energy, enthusiasm, discipline, loyalty and competitiveness as main ingredients that made him the life force that he was.''

Madam Speaker, I ask the entire House of Representatives to join me in extending our sincerest condolences to William Millichap's wife Sherrie, to their children Laura, Greg, Jeff and Stacy, and their eight beloved grandchildren. Our country has lost a great patriot, a great innovator and an unparalleled leader who made our country stronger and bettered the lives of so many because of everything he did.

PERSONAL EXPLANATION

HON. MARKWAYNE MULLIN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 29, 2020

Mr. MULLIN. Madam Speaker, I was not present the week of June 22–26, 2020 on account of supporting my son's continuing recovery. Had I been present, I would have voted NAY on Roll Call No. 116; NAY on Roll Call No. 117; YEA on Roll Call No. 118; NAY on Roll Call No. 119; NAY on Roll Call No. 120; YEA on Roll Call No. 121; and NAY on Roll Call No. 122.

PERSONAL EXPLANATION

HON. MIKE GALLAGHER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 29, 2020

Mr. GALLAGHER. Madam Speaker, I am back home in Green Bay, Wisconsin on paternity leave with my family. Had I been present, I would have voted NAY on Roll Call No. 116; NAY on Roll Call No. 117; YEA on Roll Call No. 118; and NAY on Roll Call No. 119.

PERSONAL EXPLANATION

HON. JOHN R. CURTIS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, June 29, 2020

Mr. CURTIS. Madam Speaker, had I been present, I would have voted nay on H.R. 1425, the State Health Care Premium Reduction Act. I missed this vote due to a scheduled surgery I underwent.

Right now, we must deliver the most effective treatments to patients infected with COVID–19 and all those suffering from other life-threatening illnesses. Breaking down barriers to receiving timely care must remain our number one priority in order to halt transmission of the virus.

H.R. 1425 does the opposite by dramatically expanding the role of government through unconstitutional inventions in our pharmaceutical industry and broader healthcare system. This would put our brightest scientific minds in handcuffs and threaten their ability to develop future cures for COVID–19 and other life-threatening diseases.

These are especially concerning decisions to make without bipartisan input. We have to work together in order to deliver solutions that give Americans more control over how they are receiving their health care. Solutions could include expanding access to health savings accounts or association health plans to be sold across state lines and with more portability. I recently introduced legislation to increase access to both options and I encourage my Democratic colleagues to join me as I look for creative solutions to make health care more affordable for millions of hard-working Americans.

Finally, I want to point out that Congress has already taken unprecedented steps to increase access to care for the uninsured and any American household dealing with the effects of COVID–19. It is critical that our focus remains defeating this virus, keeping Americans healthy, and allowing hard-working men and women across our great nation to return to work. We cannot place greater strains on our already over-worked health care system through one-size-fits-all policy making.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF RULE SUBMITTED BY OFFICE OF THE COMPTROLLER OF THE CURRENCY RELATING TO ''COMMUNITY REINVESTMENT ACT REGULATIONS''

SPEECH OF

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2020

Ms. JACKSON LEE. Madam Speaker, as a senior member of the Judiciary, Homeland Security, and Budget Committees, I rise in strong support of H.J. Res. 90, ''a Congressional Review Act Resolution of Disapproval on the Office of the Comptroller of Currency's Community Reinvestment Act Rule,'' which overturns the recent rule-making the Office of the Comptroller of Currency (OCC) issued.

In 1977, Congress passed the Community Reinvestment Act (CRA), a crucial piece of civil rights legislation.

The CRA sought to prevent discriminatory practices, such as redlining, and required banks to invest and lend responsibly to low- and moderate-income communities.

However, we gather here today because the Office of the Comptroller of Currency (OCC) recently passed a final rule that effectively undermines the CRA and will substantially negatively impact low-income communities of color.

Madam Speaker, not only did the OCC fail to collect sufficient data before proceeding with its final rule, but it also put forth this final rule without the support of the Federal Deposit Insurance Corporation (FDIC) and the Federal Reserve, two of the three CA regulators.

As a longtime, vocal advocate for marginalized communities, I am here to voice my support for H.J. Res. 90 and call attention to the numerous ways in which the OCC's final rule will perpetuate discriminatory lending practices against low- and moderate-income communities of color.

For example, the allowances and loopholes created by this final rule allow for banks to invest in communities where they can reap the largest rewards, thereby further harming low-income and minority communities by giving banks passing ratings under the CRA even while they reduce their lending to low-income borrowers and underserved communities.

In addition, the OCC's final rule also measures how well a bank is meeting its obligations under the CRA by incentivizing large deals, as opposed to smaller and more continuous financial transactions, which have been known to benefit and low- and moderate-income communities.

It is no secret that discriminatory lending practices have and continue to disproportionately affect people of color.

According to the Associated Press, black loan applicants are turned away at significantly higher rates than whites in 48 cities, Latinos in 25, Asians in 9, and Native Americans in 3.

We must take the steps necessary to change that reality.

It is imperative that Congress comes together to vote in favor of H.J. Res. 90 and demonstrate that we will not condone policies and practices that have the power to discriminate against any one group of people.

We must take it upon ourselves to ensure that everyone has the same opportunity to prosper economically.

And so, I ask all members from both parties to join me in voting to pass H.J. Res. 90.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF RULE SUBMITTED BY OFFICE OF THE COMPTROLLER OF THE CURRENCY RELATING TO ''COMMUNITY REINVESTMENT ACT REGULATIONS''

SPEECH OF

HON. JOYCE BEATTY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2020

Mrs. BEATTY. Madam Speaker, I rise to support House Joint Resolution 90, a resolution to overturn the Office of the Comptroller of the Currency's ill-conceived rule to dilute and weaken the Community Reinvestment Act. Originally passed in 1977, the Community Reinvestment Act was enacted into law to fight against systemic racism in the banking and housing system, otherwise known as redlining. This practice ensured that the American dream of homeownership and living in good neighborhoods with good schools would never become a reality for Black families because of the color of their skin. The peaceful protests since the murder of George Floyd against the persistent injustice and unequal treatment of Black people are a testament to why our society must keep our foot on the pedal of CRA to ensure that its intentions are fully realized to right the wrongs of the past.

At a time when the homeownership rate of Black Americans is only marginally better than it was in 1977, we should be strengthening the Community Reinvestment Act to form a more inclusive America, not gutting it like the OCC's rule would do. The COVID–19 pandemic has further proved that we need to fuel Black businesses, entrepreneurship and enterprise in Black communities to add value and make them more stable. This resolution will overturn the OCC's rule and ensure that the gains that we have made are not rolled back to the era of Jim Crow and protect investments in Black communities.

I urge my colleagues to vote for this resolution.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate of February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place and purpose of the meetings, when scheduled and

any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 30, 2020 may be found in the Daily Digest of today's record.

MEETINGS SCHEDULED

JULY 1

9:45 a.m.

Committee on Environment and Public Works

Business meeting to consider the nominations of Katherine A. Crytzer, to be Inspector General, and Beth Harwell and Brian Noland, both to be a Member of the Board of Directors, all of the Tennessee Valley Authority, and 27 General Services Administration resolutions.

SD–106

10 a.m.

Committee on Commerce, Science, and Transportation

To hold hearings to examine exploring a compensation framework for intercollegiate athletes.

SR–253

Committee on Environment and Public Works

To hold hearings to examine infrastructure development opportunities to drive economic recovery and resiliency.

SD–106

2 p.m.

Select Committee on Intelligence

Closed business meeting to consider pending intelligence matters; to be immediately followed by a closed hearing to examine certain intelligence matters.

SVC–217

2:30 p.m.

Committee on Indian Affairs

To hold an oversight hearing to examine the response and mitigation to the COVID–19 pandemic in Native communities, including S. 3650, to amend the Indian Health Care Improvement Act to deem employees of urban Indian organizations as part of the Public Health Service for certain purposes.

SD–562

3 p.m.

Committee on Veterans' Affairs

To hold hearings to examine recruitment, retention and building a resilient veterans health care workforce.

SD–106

JULY 2

10 a.m.

Committee on Appropriations

Subcommittee on Departments of Labor, Health and Human Services, and Education, and Related Agencies

To hold hearings to examine Operation Warp Speed, focusing on researching, manufacturing, and distributing a safe and effective coronavirus vaccine.

SD–106

Committee on the Judiciary

Business meeting to consider S. 3398, to establish a National Commission on Online Child Sexual Exploitation Prevention, and the nominations of John W. Holcomb, to be United States District Judge for the Central District of California, Brett H. Ludwig, to be United States District Judge for the Eastern District of Wisconsin, R. Shireen Matthews, and Todd Wallace Robinson, both to be a United States District Judge for the Southern District of California, and Christy Criswell Wiegand, to be United States District Judge for the Western District of Pennsylvania.

SR–325

11 a.m.

Commission on Security and Cooperation in Europe

To hold hearings to examine human rights at home, focusing on implications for United States leadership.

WEBEX

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S3627–S3978

Measures Introduced: Ten bills were introduced, as follows: S. 4091–4100. **Page S3651**

Measures Reported:

S. 685, to amend the Inspector General Act of 1978 relative to the powers of the Department of Justice Inspector General. **Page S3651**

Measures Passed:

Social Security Act: Senate passed S. 4091, to amend section 1113 of the Social Security Act to provide authority for fiscal year 2020 for increased payments for temporary assistance to United States citizens returned from foreign countries. **Page S3628**

Measures Considered:

National Defense Authorization Act—Agreement: Senate began consideration of S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, taking action on the following amendments proposed thereto: **Pages S3630–42**

Pending:

Inhofe Amendment No. 2301, in the nature of a substitute. **Page S3642**

McConnell (for Portman) Amendment No. 2080 (to Amendment No. 2301), to require an element in annual reports on cyber science and technology activities on work with academic consortia on high priority cybersecurity research activities in Department of Defense capabilities. **Page S3642**

During consideration of this measure today, Senate also took the following action:

By 89 yeas to 4 nays (Vote No. 128), Senate agreed to the motion to proceed to consideration of the bill. **Pages S3641–42**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 10 a.m., on Tuesday, June 30, 2020. **Page S3642**

Appointments:

Joint Congressional Committee on Inaugural Ceremonies: The Chair, on behalf of the Vice President, pursuant to the provisions of S. Con. Res. 38 (116th Congress), appointed the following Senators to the Joint Congressional Committee on Inaugural Ceremonies: Senators McConnell, Blunt, and Klobuchar. **Page S3642**

Nominations Received: Senate received the following nominations:

Christopher P. Vincze, of Massachusetts, to be a Member of the Board of Directors of the United States International Development Finance Corporation for a term of three years.

Routine lists in the Foreign Service. **Pages S3982–83**

Messages from the House: **Pages S3650–51**

Measures Referred: **Page S3651**

Measures Placed on the Calendar: **Page S3651**

Measures Read the First Time: **Page S3642**

Additional Cosponsors: **Pages S3651–56**

Statements on Introduced Bills/Resolutions:

Additional Statements:

Amendments Submitted: **Pages S3656–S3976**

Privileges of the Floor: **Page S3981**

Record Votes: One record vote was taken today. (Total—128) **Pages S3641–42**

Adjournment: Senate convened at 3 p.m. and adjourned at 7:48 p.m., until 10 a.m. on Tuesday, June 30, 2020. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S3642.)

Committee Meetings

(Committees not listed did not meet)

No committee meetings were held.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 18 public bills, H.R. 7397–7414; and 3 resolutions, H.J. Res. 92; and H. Res. 1029–1030 were introduced. **Page H2672**

Additional Cosponsors: **Page H2673**

Report Filed: A report was filed today as follows:

H. Res. 1028, providing for consideration of the bill (H.R. 2) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes (H. Rept. 116–438).

Speaker: Read a letter from the Speaker wherein she appointed Representative Cuellar to act as Speaker pro tempore for today. **Page H2597**

Recess: The House recessed at 9:09 a.m. and reconvened at 10 a.m. **Page H2598**

Recess: The House recessed at 3:35 p.m. and reconvened at 3:47 p.m. **Page H2663**

State Health Care Premium Reduction Act: The House passed H.R. 1425, to amend the Patient Protection and Affordable Care Act to provide for a Improve Health Insurance Affordability Fund to provide for certain reinsurance payments to lower premiums in the individual health insurance market, by a yea-and-nay vote of 234 yeas to 179 nays, Roll No. 124. **Pages H2599–H2644, H2664–65**

Rejected the Walden motion to recommit the bill to the Committee on Energy and Commerce with instructions to report the same back to the House forthwith with an amendment, by a yea-and-nay vote of 187 yeas to 223 nays, Roll No. 123. **Pages H2642–44, H2664**

Pursuant to the Rule, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 116–56, modified by the amendment printed in part B of H. Rept. 116–436, shall be considered as adopted, in lieu of the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill. **Page H2599**

H. Res. 1017, the rule providing for consideration of the bills (H.R. 51), (H.R. 1425), (H.R. 5332), (H.R. 7120), (H.R. 7301), and the joint resolution (H.J. Res. 90) was agreed to Thursday, June 25th.

Protecting Your Credit Score Act: The House passed H.R. 5332, to amend the Fair Credit Reporting Act to ensure that consumer reporting agencies are providing fair and accurate information reporting in consumer reports, by a yea-and-nay vote of 234 yeas to 179 nays, Roll No. 126. Consideration began Friday, June 26th. **Pages H2663–64, H2665–67**

Rejected the Riggleman motion to recommit the bill to the Committee on Financial Services with instructions to report the same back to the House forthwith with an amendment, by a yea-and-nay vote of 184 yeas to 228 nays, Roll No. 125. **Pages H2663–64, H2665–66**

H. Res. 1017, the rule providing for consideration of the bills (H.R. 51), (H.R. 1425), (H.R. 5332), (H.R. 7120), (H.R. 7301), and the joint resolution (H.J. Res. 90) was agreed to Thursday, June 25th.

Emergency Housing Protections and Relief Act of 2020: The House passed H.R. 7301, to prevent evictions, foreclosures, and unsafe housing conditions resulting from the COVID–19 pandemic, by a yea-and-nay vote of 232 yeas to 180 nays, Roll No. 128. **Pages H2644–63, H2667–68**

Rejected Huizenga the motion to recommit the bill to the Committee on Financial Services with instructions to report the same back to the House forthwith with an amendment, by a yea-and-nay vote of 191 yeas to 219 nays, Roll No. 127. **Pages H2661–63, H2667**

H. Res. 1017, the rule providing for consideration of the bills (H.R. 51), (H.R. 1425), (H.R. 5332), (H.R. 7120), (H.R. 7301), and the joint resolution (H.J. Res. 90) was agreed to Thursday, June 25th.

Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Office of the Comptroller of the Currency relating to "Community Reinvestment Act Regulations": The House passed H.J. Res. 90, providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Office of the Comptroller of the Currency relating to "Community Reinvestment Act Regulations", by a yea-and-nay vote of 230 yeas to 179 nays, Roll No. 129. Consideration began Friday, June 26th. **Pages H2668–69**

H. Res. 1017, the rule providing for consideration of the bills (H.R. 51), (H.R. 1425), (H.R. 5332), (H.R. 7120), (H.R. 7301), and the joint resolution (H.J. Res. 90) was agreed to Thursday, June 25th.

Amending section 1113 of the Social Security Act to provide authority for fiscal year 2020 for increased payments for temporary assistance to United States citizens returned from foreign countries: The House agreed to take from the Speaker's table and pass S. 4091, to amend section 1113 of the Social Security Act to provide authority

for fiscal year 2020 for increased payments for temporary assistance to United States citizens returned from foreign countries. **Page H2669**

Announcement by the Chair: The Chair announced the Speaker's extension, pursuant to section 1(b)(2) of House Resolution 965 and effective July 5, 2020, of the covered period designated on May 20, 2020. **Page H2669**

Announcement by the Chair: The Chair announced that the Speaker's announced policy of April 7, 2020, will remain in effect through July 31, 2020. **Page H2669**

Commission on Combating Synthetic Opioid Trafficking—Appointment: Read a letter from Representative McCarthy, Minority Leader, in which he appointed the following member to the Commission on Combating Synthetic Opioid Trafficking: Ms. Karen Tandy of Annandale, Virginia. **Pages H2669–70**

Commission on Combating Synthetic Opioid Trafficking—Appointment: Read a letter from Representative McCarthy, Minority Leader, in which he appointed the following Member to the Commission on Combating Synthetic Opioid Trafficking: Representative Upton. **Page H2670**

Senate Referrals: S. 2472 was held at the desk. S. 2163 was held at the desk. S. 3798 was held at the desk. S. 3377 was held at the desk. **Page H2664**

Senate Message: Message received from the Senate today appears on page H2664.

Quorum Calls—Votes: Seven yea-and-nay votes developed during the proceedings of today and appear on pages H2664, H2665, H2665–66, H2666–67, H2667, H2668, and H2668–69.

Adjournment: The House met at 9 a.m. and adjourned at 8:57 p.m.

Committee Meetings

THE U.S. PARK POLICE ATTACK ON PEACEFUL PROTESTERS AT LAFAYETTE SQUARE

Committee on Natural Resources: Full Committee held a hearing entitled "The U.S. Park Police Attack on Peaceful Protesters at Lafayette Square". Testimony was heard from public witnesses.

INVEST IN AMERICA ACT

Committee on Rules: Full Committee held a hearing on H.R. 2, the "INVEST in America Act" [Moving Forward Act]. The Committee granted, by record vote of 8–4, a structured rule providing for consideration of H.R. 2, the "Moving Forward Act". The rule provides two hours of general debate on the bill equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure. The rule waives all points of order against consideration of the bill. The rule provides that an amendment in the nature of a substitute consisting of the text of Rules Committee Print 116–54, modified by the amendment printed in Part A of the Rules Committee report, shall be considered as adopted and the bill, as amended, shall be considered as read. The rule waives all points of order against provisions in the bill, as amended. Section 2 of the rule provides that following general debate, it shall be in order for the chair of the Committee on Transportation and Infrastructure or his designee to offer an amendment en bloc consisting of the further amendments printed in part B of the Rules Committee Report. The amendment en bloc shall be considered as read, shall be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure or their respective designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question. Section 3 of the rule provides that after consideration of the amendment en bloc described in section 2, it shall be in order for the chair of the Committee on Transportation and Infrastructure or his designee to offer an amendment en bloc consisting of the further amendments printed in part C of the Rules Committee report. The amendment en bloc shall be considered as read, shall be debatable for 30 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure or their respective designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question. Section 4 of the rule provides that after consideration of the amendment en bloc described in section 3, it shall be in order for the chair of the Committee on Transportation and Infrastructure or his designee to offer an amendment en bloc consisting of the further amendments printed in part D of the Rules Committee report. The amendment en bloc shall be considered as read, shall be debatable for 30 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure or their respective designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question. Section 5 of the rule provides that after consideration of the amendment en bloc described in section 4, it shall be in order for the chair of the Committee on Transportation and Infrastructure or his designee to offer an amendment en bloc consisting of the further amendments printed in part E

of the Rules Committee report. The amendment en bloc shall be considered as read, shall be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure or their respective designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question. Section 6 of the rule provides that after consideration of the amendment en bloc described in section 5, it shall be in order for the chair of the Committee on Transportation and Infrastructure or his designee to offer an amendment en bloc consisting of the further amendments printed in part F of the Rules Committee report. The amendment en bloc shall be considered as read, shall be debatable for 30 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure or their respective designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question. Section 7 of the rule provides that after consideration of the amendment en bloc described in section 6, it shall be in order for the ranking minority member of the Committee on Transportation and Infrastructure or his designee to offer an amendment en bloc consisting of the further amendments printed in part G of the Rules Committee report. The amendment en bloc shall be considered as read, shall be debatable for 30 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure or their respective designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question. Section 8 of the rule provides that after consideration of the amendment en bloc described in section 7, each further amendment printed in part H of the Rules Committee report shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. Section 9 of the rule provides that prior to the offering of an amendment en bloc pursuant to sections 2 through 7, the chair of the Committee on Transportation and Infrastructure or his designee may designate amendments that shall not be considered as part of the amendment en bloc. The rule provides that any amendment designated pursuant to section 9 shall be in order after consideration of the further amendments printed in part H if offered by a Member designated in the Rules Committee report, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The rule waives all points of order against amendments en bloc described in sections 2 through 7 and the further amendments described in sections 8 and 9. The rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Waters, Chairman DeFazio, and Representatives Rodney Davis of Illinois, Neal, Estes, Brownley of California, Calvert, Cicilline, Crawford, Cohen, Estes, Costa, Garcia of California, Courtney, Gianforte, González-Colón of Puerto Rico, Garamendi, Graves of Louisiana, Jackson Lee, Grothman, Kevin Hern of Oklahoma, Peters, Perry, Sablan, Walberg, Woodall, and Burgess.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR TUESDAY, JUNE 30, 2020

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine the digitization of money and payments, 10 a.m., WEBEX.

Committee on Commerce, Science, and Transportation: Subcommittee on Transportation and Safety, to hold hearings to examine safety on our roads, focusing on an overview of traffic safety and National Highway Traffic Safety Administration grant programs, 2:30 p.m., SR–253.

Committee on Energy and Natural Resources: to hold hearings to examine the impacts of the COVID–19 pandemic in the territories, 2:30 p.m., SD–366.

Committee on Finance: to hold hearings to examine 2020 filing season and IRS COVID–19 recovery, 10:15 a.m., SD–215.

Subcommittee on International Trade, Customs, and Global Competitiveness, to hold hearings to examine censorship as a non-tariff barrier to trade, 2:30 p.m., SD–215.

Committee on Foreign Relations: to hold hearings to examine COVID–19 and United States international pandemic preparedness, prevention, and response, focusing on additional perspectives, 10 a.m., VTC.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine COVID–19, focusing on an update on progress toward safely getting back to work and back to school, 10 a.m., SD–G50.

Committee on Homeland Security and Governmental Affairs: to hold hearings to examine the nomination of Derek Kan, of California, to be Deputy Director of the Office of Management and Budget, 2:30 p.m., VTC.

Committee on the Judiciary: to hold hearings to examine the Judicial Conference's recommendation for more judgeships, 2:30 p.m., SD–106.

Select Committee on Intelligence: to receive a closed briefing on certain intelligence matters, 2:30 p.m., SVC–217.

House

Committee on Energy and Commerce, Subcommittee on Health, hearing entitled ''High Anxiety and Stress: Legislation to Improve Mental Health During Crisis'', 11 a.m., Webex.

Committee on Financial Services, Full Committee, hearing entitled ''Oversight of the Treasury Department's and Federal Reserve's Pandemic Response'', 12:30 p.m., CVC–200 and Webex.

Committee on Foreign Affairs, Subcommittee on Asia, the Pacific, and Nonproliferation, hearing entitled ''China's Maritime Ambitions'', 3 p.m., 2172 Rayburn and Webex.

Joint Meetings

Joint Congressional Committee on Inaugural Ceremonies—2020: organizational business meeting to designate the Chairman, designation of the 2021 Inaugural site, approval of the 2021 Inaugural budget, and designation of official staff representatives, 11 a.m., S–207, Capitol.

CONGRESSIONAL PROGRAM AHEAD

Week of June 30 through July 3, 2020

Senate Chamber

On *Tuesday*, Senate will continue consideration of S. 4049, National Defense Authorization Act.

During the balance of the week, Senate may consider any cleared legislative and executive business.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Appropriations: July 2, Subcommittee on Departments of Labor, Health and Human Services, and Education, and Related Agencies, to hold hearings to examine Operation Warp Speed, focusing on researching, manufacturing, and distributing a safe and effective coronavirus vaccine, 10 a.m., SD–106.

Committee on Banking, Housing, and Urban Affairs: June 30, to hold hearings to examine the digitization of money and payments, 10 a.m., WEBEX.

Committee on Commerce, Science, and Transportation: June 30, Subcommittee on Transportation and Safety, to hold hearings to examine safety on our roads, focusing on an overview of traffic safety and National Highway Traffic Safety Administration grant programs, 2:30 p.m., SR–253.

July 1, Full Committee, to hold hearings to examine exploring a compensation framework for intercollegiate athletes, 10 a.m., SR–253.

Committee on Energy and Natural Resources: June 30, to hold hearings to examine the impacts of the COVID–19 pandemic in the territories, 2:30 p.m., SD–366.

Committee on Environment and Public Works: July 1, business meeting to consider the nominations of Katherine A. Crytzer, to be Inspector General, and Beth Harwell and Brian Noland, both to be a Member of the Board of Directors, all of the Tennessee Valley Authority, and 27 General Services Administration resolutions, 9:45 a.m., SD–106.

July 1, Full Committee, to hold hearings to examine infrastructure development opportunities to drive economic recovery and resiliency, 10 a.m., SD–106.

Committee on Finance: June 30, to hold hearings to examine 2020 filing season and IRS COVID–19 recovery, 10:15 a.m., SD–215.

June 30, Subcommittee on International Trade, Customs, and Global Competitiveness, to hold hearings to examine censorship as a non-tariff barrier to trade, 2:30 p.m., SD–215.

Committee on Foreign Relations: June 30, to hold hearings to examine COVID–19 and United States international pandemic preparedness, prevention, and response, focusing on additional perspectives, 10 a.m., VTC.

Committee on Health, Education, Labor, and Pensions: June 30, to hold hearings to examine COVID–19, focusing on an update on progress toward safely getting back to work and back to school, 10 a.m., SD–G50.

Committee on Homeland Security and Governmental Affairs: June 30, to hold hearings to examine the nomination of Derek Kan, of California, to be Deputy Director of the Office of Management and Budget, 2:30 p.m., VTC.

Committee on Indian Affairs: July 1, to hold an oversight hearing to examine the response and mitigation to the COVID–19 pandemic in Native communities, including S. 3650, to amend the Indian Health Care Improvement Act to deem employees of urban Indian organizations as part of the Public Health Service for certain purposes, 2:30 p.m., SD–562.

Committee on the Judiciary: June 30, to hold hearings to examine the Judicial Conference's recommendation for more judgeships, 2:30 p.m., SD–106.

July 2, Full Committee, business meeting to consider S. 3398, to establish a National Commission on Online Child Sexual Exploitation Prevention, and the nominations of John W. Holcomb, to be United States District Judge for the Central District of California, Brett H. Ludwig, to be United States District Judge for the Eastern District of Wisconsin, R. Shireen Matthews, and Todd Wallace Robinson, both to be a United States District Judge for the Southern District of California, and Christy Criswell Wiegand, to be United States District Judge for the Western District of Pennsylvania, 10 a.m., SR–325.

Committee on Veterans' Affairs: July 1, to hold hearings to examine recruitment, retention and building a resilient veterans health care workforce, 3 p.m., SD–106.

Select Committee on Intelligence: June 30, to receive a closed briefing on certain intelligence matters, 2:30 p.m., SVC–217.

July 1, Full Committee, closed business meeting to consider pending intelligence matters; to be immediately followed by a closed hearing to examine certain intelligence matters, 2 p.m., SVC–217.

House Committees

Committee on Armed Services, July 1, Full Committee, markup on Fiscal Year 2021 National Defense Authorization Act, 10 a.m., 1100 Longworth and Webex.

Committee on Foreign Affairs, July 1, Full Committee, hearing entitled ''The End of One Country, Two Systems?: Implications of Beijing's National Security Law in Hong Kong'', 9:30 a.m., 2172 Rayburn and Webex.

July 1, Subcommittee on the Western Hemisphere, Civilian Security, and Trade, hearing entitled ''The Trump Administration's Response to COVID–19 in Latin America and the Caribbean'', 1 p.m., 2172 Rayburn and Webex.

July 2, Full Committee, hearing entitled ''Why did the Trump Administration Fire the State Department Inspector General?'', 2172 Rayburn and Webex.

Committee on Oversight and Reform, July 2, Select Subcommittee on the Coronavirus Crisis, hearing entitled ''The Administration's Efforts to Procure, Stockpile, and Distribute Critical Supplies'', 9 a.m., 2154 Rayburn and Webex.

Committee on Small Business, July 1, Full Committee, hearing entitled ''The Economic Injury Disaster Loan Program: Status Update from the Administration'', 10 a.m., 2118 Rayburn and Webex.

July 2, Subcommittee on Economic Growth, Tax, and Capital Access, hearing entitled ''Supply Chain Resiliency'', 9 a.m., 2118 Rayburn and Webex.

Committee on Veterans' Affairs, July 1, Subcommittee on Health; and Women Veterans Task Force, joint hearing entitled ''Veterans' Access to Reproductive Healthcare'', 10 a.m., HVC–210 and Webex.

Permanent Select Committee on Intelligence, July 1, Full Committee, hearing entitled ''U.S.-China Relations and its Impact on National Security and Intelligence in a Post-COVID World'', 12 p.m., Webex.

Joint Meetings

Joint Congressional Committee on Inaugural Ceremonies—2020: June 30, organizational business meeting to designate the Chairman, designation of the 2021 Inaugural site, approval of the 2021 Inaugural budget, and designation of official staff representatives, 11 a.m., S–207, Capitol.

Commission on Security and Cooperation in Europe: July 2, to hold hearings to examine human rights at home, focusing on implications for United States leadership, 11 a.m., WEBEX.

Next Meeting of the SENATE

10 a.m., Tuesday, June 30

Senate Chamber

Program for Tuesday: Senate will continue consideration of S. 4049, National Defense Authorization Act.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Tuesday, June 30

House Chamber

Program for Tuesday: Consideration of H.R. 2—Investing in a New Vision for the Environment and Surface Transportation in America Act (Subject to a Rule).

Extensions of Remarks, as inserted in this issue

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