Senate

The Senate met at 10 a.m. and was called to order by the Honorable AMY KLOBUCHAR, a Senator from the State of Minnesota.

PRAYER

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

Let us pray.

Almighty God, the fountain of wisdom and strength, thank You for the beauty and glory of this day.

Lord, with Your presence, You have provided a love that never fades, and with Your guidance, we have found dreams that lead to abundant living. Lead on, great King eternal, for we follow not in fear.

Today, guide our Senators to new levels of excellence. Give them robust health, faith for their perplexities, wisdom for their decisions, and light for the path ahead.

We pray in Your marvelous Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer 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.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication of Allegiance, as follows:

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable AMY KLOBUCHAR, a Senator from the State of Minnesota, to perform the duties of the Chair.

PATRICK J. LEAHY, President pro tempore.

Ms. KLOBUCHAR thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

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

CONCLUSION OF MORNING BUSINESS

The Acting President pro tempore. Morning business is closed.

LEGISLATIVE SESSION

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2022—Motion to Proceed—Resumed

The Acting President pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 4350, which the clerk will report.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 144, H.R. 4350, a bill to authorize appropriations for fiscal year 2022 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 Acting President pro tempore. Without objection, it is so ordered.

The clerk will report the amendment by number.

The senior assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. REED] proposes an amendment numbered 3867, as modified.

The amendment is 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 2022”.

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

(a) DIVISIONS.—This Act is organized into four 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.


(8) Division H—Reauthorization of Native American Housing Assistance and Self-Determination Act of 1996.

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

- This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Printed on recycled paper.
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. 

TITLE I—DEFENSE PROCUREMENT
Subtitle A—Authorization of Appropriations
Sec. 101. Authorization of appropriations.

Subtitle B—Army Programs
Sec. 121. Multiyear procurement authority for AH-64E Apache helicopters.
Sec. 122. Multiyear procurement authority for HH-60M and HH-60M Black Hawk helicopters.
Sec. 124. Modification of deployment by the Army of interun missile defense capability.

Subtitle C—Navy Programs
Sec. 131. Extension of prohibition on availability of funds for Navy port waterborne security barriers.
Sec. 132. Analysis of certain radar investment options.
Sec. 133. Extension of report on Littoral Combat Ship mission packages.
Sec. 134. Extension of procurement authorities for certain amphibious shipbuilding programs.
Sec. 135. Limitations on decommissioning or inactivating a battle force ship before the end of expected service life.
Sec. 136. Acquisition, modernization, and sustainment plan for carrier air wings.
Sec. 137. Improving oversight of Navy contracts for shipbuilding, conversion, and repair.

Subtitle D—Air Force Programs
Sec. 141. Required minimum inventory of tactical airlift aircraft.
Sec. 142. Extension of inventory requirement for Air Force fighter aircraft.
Sec. 143. Prohibition on use of funds for retirement of A-10 aircraft.
Sec. 144. Requirements relating to reports on fighter aircraft.
Sec. 145. Prohibition on additional F-35 aircraft for the Air National Guard.
Sec. 146. Prohibition on availability of funds for reducing the number of KC-135 aircraft of the Air National Guard designated as primary mission aircraft inventory.
Sec. 147. Authority to divest 18 KC-135 aircraft.
Sec. 148. Prohibition on use of funds for a follow-on tanker aircraft to the KC-46 aircraft.
Sec. 149. Maintenance of B-1 bomber aircraft squadrons.

Subtitle E—Defense-wide, Joint, and Multiservice Matters
Sec. 161. Prohibition on duplication of efforts to provide air and space-based ground moving target indicator capability.
Sec. 162. Limitation on funds for armed overwatch aircraft.
Sec. 163. Transition of F-35 program sustainment from Joint Program Office to Air Force and Navy.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
Subtitle A—Authorization of Appropriations
Sec. 201. Authorization of appropriations.

Subtitle B—Program Requirements, Restrictions, and Limitations
Sec. 211. Increase in allowable rate of basic pay for certain employees of Defense Established Research Projects Agency.
Sec. 212. Additional mission areas for mechanisms for expedited access to technical talent and expertise at academic institutions by Department of Defense.
Sec. 213. Modification of other transactions agreements.
Sec. 214. Artificial intelligence metrics.
Sec. 215. Modification of the Joint Common Open Source Foundation Program.
Sec. 216. Executive education on emerging technologies for civilian and military leaders.
Sec. 217. Improvements relating to national network for microelectronics research and development.
Sec. 218. Activities to accelerate domestic quantum computing capabilities.
Sec. 219. Pilot programs for passive telecommunications infrastructure to facilitate installation 5G deployment.
Sec. 220. National Guard participation in microreactor testing and evaluation.
Sec. 221. Limitation on transfer of certain operational flight test events and reduction in operational flight test capacity.
Sec. 222. Limitation on availability of funds for the High Accuracy Detection and Exploitation System.

Subtitle C—Codification and Technical Corrections
Sec. 231. Codification of direct hire authority at personnel demonstration laboratories for advanced degree holders.
Sec. 232. Codification of authorities relating to Department of Defense science and technology reinvention laboratories.
Sec. 233. Codification of requirement for Defense Established Program to Stimulate Competitive Research.
Sec. 234. Technical correction to pilot program for enhancement of research, development, test, and evaluation centers of Department of Defense.

Subtitle D—Pentagon, and Other Matters
Sec. 241. Study on efficient use of Department of Defense test and evaluation organizations, facilities, and laboratories.
Sec. 242. Analysis of potential modifications to Department of Defense unmanned aerial systems categorization.
Sec. 243. Digital development infrastructure plan and working group.
Sec. 244. Optimally Manned Fighting Vehicle requirements analysis.
Sec. 245. Making permanent requirement for annual report by Director of Operational Test and Evaluation.

TITRE III—OPERATION AND MAINTENANCE
Subtitle A—Authorization of Appropriations
Sec. 301. Authorization of appropriations.

Subtitle B—Energy and Environment
Sec. 311. Expansion of purposes of Sentinel Landscapes Partnership program to include resilience.
Sec. 312. Maintenance of current analytical tools in evaluating energy resilience measures.

Sec. 313. Military Aviation and Installation Assurance Clearinghouse matters.
Sec. 314. Exemption from prohibition on use of open-air dump pits in contingency operations outside the United States.
Sec. 315. Demonstration program on domestic production of rare earth elements from coal byproducts.
Sec. 316. Authority to transfer amounts derived from sale of industrial facilities.
Sec. 317. Sense of Senate on energy independence and diversification.

Subtitle C—National Security Climate Resilience
Sec. 331. Short title.
Sec. 332. Definitions.
Sec. 333. Climate resilience in planning, engagement strategies, infrastructural development of Department of Defense.
Sec. 334. Climate Resilience Infrastructure Initiative of the Department of Defense.
Sec. 335. Assessment of climate risks to infrastructure of Department of Defense.
Sec. 351. Treatment by Department of Defense of perfluoroalkyl substances and polyfluoroalkyl substances.
Sec. 352. Public disclosure of testing and results of Department of Defense testing for perfluoroalkyl or polyfluoroalkyl substances and additional requirements for testing.
Sec. 353. Extension of transfer authority for funding of study and assessment on health implications of per- and polyfluoroalkyl substances contamination in drinking water by Agency for Toxic Substances and Disease Registry.
Sec. 354. Report on remediation of perfluoroalkyl substances and polyfluoroalkyl substances at certain military installations.
Sec. 355. Report on schedule for completion of remediation of perfluoroalkyl substances and polyfluoroalkyl substances.

Subtitle E—Other Matters
Sec. 371. Extension of temporary authority to extend contracts and leases under the ARMS Initiative.
Sec. 372. Incident reporting requirements for Department of Defense regarding lost or stolen weapons.
Sec. 373. Repeal of sunset for naval vessel emergency operations outside the United States.

Sec. 374. Report on potential organic industrial base modernization by Department of the Army.
Sec. 375. Annual report by Secretary of the Navy on ship maintenance.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS
Subtitle A—Active Forces
Sec. 401. End strengths for active forces.
Sec. 402. Authority with respect to authorized strengths for general and flag officers within the Armed Forces for emerging requirements.
Sec. 403. Additional authority to vary Space Force end strength.
Sec. 404. Temporary exemption from end strength grade restrictions for the Space Force.
Sec. 405. Reserve Forces
Sec. 421. DoD Safe Helpline authorization to perform intake of official restricted and unrestricted reports for eligible adult sexual assault victims.

Sec. 422. Assessment of our relationship between command climate and the prevention and adjudication of military sexual misconduct.

Sec. 423. Policy for ensuring the annual report regarding sexual assaults involving members of the Armed Forces includes information on race and ethnicity of victims.

Sec. 424. Department of Defense tracking of allegations of retaliation by victims of sexual assault or sexual harassment and related persons.

Sec. 425. Special Victim’s Counsel representation of civilian victims of sex-related offenses.

Sec. 426. Notice to victims of further administrative action following a determination not to refer to trial by court-martial.

Sec. 427. Recommendations on separate punitive article in the Uniform Code of Military Justice on violent extremism.

Sec. 428. Determination and reporting of missing, absent, unknown, absent without leave, and duty status whereabouts unknown service members.

Sec. 429. Convening an officer.

Sec. 430. Analysis of the use of non-judicial punishment.

Sec. 510. Modernization of the Selective Service System.

Subtitle C—Authorization of Appropriations

Sec. 511. Modernization of the Selective Service System.

Sec. 512. Report on exemptions and deferrals for a possible military draft.

Sec. 513. Report on processes and procedures for appeal of denial of status or benefits for failure to register for Selective Service.

Sec. 514. Responsibilities for national mobilization personnel requirements.

Sec. 515. Enhancements to national mobilization exercises.

Sec. 516. Military service independent racial disparity review.

Sec. 517. Appeals to Physical Evaluation Board determinations of fitness for duty.

Sec. 518. Extension of paid parental leave.

Sec. 519. Bereavement leave for members of the Armed Forces.

Subtitle C—Prevention and Response to Sexual Assault, Harassment, and Related Misconduct, and Other Military Justice Matters

Sec. 520. DoD Safe Helpline authorization to perform intake of official restricted and unrestricted reports for eligible adult sexual assault victims.

Sec. 521. Assessment of our relationship between command climate and the prevention and adjudication of military sexual misconduct.

Sec. 522. Policy for ensuring the annual report regarding sexual assaults involving members of the Armed Forces includes information on race and ethnicity of victims.

Sec. 523. Department of Defense tracking of allegations of retaliation by victims of sexual assault or sexual harassment and related persons.

Sec. 524. Special Victim’s Counsel representation of civilian victims of sex-related offenses.

Sec. 525. Notice to victims of further administrative action following a determination not to refer to trial by court-martial.

Sec. 526. Recommendations on separate punitive article in the Uniform Code of Military Justice on violent extremism.

Sec. 527. Determination and reporting of missing, absent, unknown, absent without leave, and duty status whereabouts unknown service members.

Sec. 528. Convening an officer.

Sec. 529. Analysis of the use of non-judicial punishment.
Sec. 725. Removal of requirement for one year of participation in certain medical and lifestyle incentive programs of the Department of Defense to receive benefits under such programs.

Sec. 726. Authority of Secretary of Defense and Secretary of Veterans Affairs to enter into agreements for planning, design, and construction of facilities to be operated as shared medical facilities.

Sec. 727. Consistency in accounting for medical reimbursements received by military medical treatment facilities from other Federal agencies.

Subtitle C—Reports and Other Matters

Sec. 741. Access by United States Government employees and their family members to certain facilities of Department of Defense for assessment and treatment of anomalous health conditions.

Sec. 742. Extension of authority for Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund.

Sec. 743. Comptroller General study on implementation by Department of Defense of recent statutory requirements to reform the military health system.

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Subtitle A—Acquisition Policy and Management

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Sec. 802. Improving the use of available data to manage and forecast service contract requirements.

Sec. 803. Assessment of impediments and incentives to improving the acquisition of commercial technology, products, and services.

Sec. 804. Pilot program on acquisition practices for emerging technologies.

Sec. 805. Annual report on highest and lowest performing acquisition programs of the Department of Defense.

Sec. 806. Systems engineering determinations.

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Sec. 817. Reporting requirement for defense acquisition activities.

Sec. 818. Department of Defense contractor professional training material disclosure requirements.

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Sec. 820. Multiplier contract authority for defense acquisitions specifically authorized by law.

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Sec. 832. Prohibition on acquisition of personal protective equipment from non-allied foreign nations.

Sec. 833. Further prohibition on acquisition of sensitive materials.

Sec. 834. Requirement for industry days and requests for information to be open to allied defense contractors.

Sec. 835. Assessment of requirements for certain items to address supply chain vulnerabilities.

Sec. 836. Requirement that certain providers of systems to Department of Defense disclose the source of printed circuit boards when sourced from certain countries.


Subtitle D—Small Business Matters

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Sec. 853. Determination with respect to optical fiber transmission equipment for Department of Defense purposes.

Sec. 854. Two-year extension of Selected Acquisition Report requirement.

Sec. 855. Military standards for high-hardness armor in combat vehicle specifications.

Sec. 856. Revisions to the Unified Facilities Criteria regarding the use of variable refrigerant flow systems.

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Sec. 904. Assignments for participants in the John S. McCain Strategic Defense Fellows Program.

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Sec. 906. Management innovation activities.

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Sec. 1204. Extension and modification of Department of Defense support for stabilization activities in national security interest of the United States.
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Sec. 1206. Security cooperation strategy for certain combatant commands.
Sec. 1207. Funding for enhancing Western Hemisphere security cooperation.
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Sec. 1209. Limitation on extension of support to military forces of the Kingdom of Morocco for bilateral or multilateral exercises.

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Sec. 1232. Extension of prohibition on availability of funds relating to sovereignty of the Russian Federation over Crimea.
Sec. 1233. Extension of Ukraine Security Assistance Initiative.
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Sec. 1236. Sense of Senate on continuing support for Estonia, Latvia, and Lithuania.

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Sec. 1243. Extension of authority to transfer funds for Bien Hoa dioxin clean-up.
Sec. 1244. Cooperative program with Vietnam to account for Vietnamese personnel missing in action.
Sec. 1245. Assessment of and plan for improving the defensive asymmetric capabilities of Taiwan.
Sec. 1246. Annual feasibility briefing on cooperation between the National Guard and Taiwan.
Sec. 1247. Defense of Taiwan.
Sec. 1248. Comparative analyses and reports on efforts by the United States and the People's Republic of China to advance critical modernization technology with respect to military applications.
Sec. 1249. Modification of annual report on military and security developments involving the People's Republic of China.
Sec. 1250. Feasibility report on establishing more robust military-to-military crisis communications with the People's Republic of China.
Sec. 1251. Semiannual briefings on efforts to deter Chinese aggression and military coercion.
Sec. 1252. Sense of Congress on defense alliances and partnerships in the Indo-Pacific region.

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Sec. 1273. Repeal of authorization of non-conventional assisted recovery capabilities; modification of authority for expenditure of funds for clandestine activities that support counterterrorism preparation of the environment.
Sec. 1274. Extension and modification of authority for certain payments to redress injury and loss.
Sec. 1275. Secretary of Defense Strategic Competition Initiative.
Sec. 1276. Strategic competition initiative for United States Southern Command and United States Africa Command.
Sec. 1277. Modification of notification requirements for sensitive military operations.
Sec. 1278. Special Operations Forces joint operating concept for competition and confrontation.
Sec. 1279. Plan for provision of information support to commanders of the combatant commands.
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Sec. 1510. Prohibition on Missile Defense Agency production of satellites and ground systems associated with operation of such satellites.

Sec. 1511. Continued requirement for National Security Space Launch program.

Sec. 1512. Limitation, report, and briefing on use of commercial satellite services and associated systems.

Sec. 1513. Study on commercial systems integration into, and support of, Armed Forces space operations.

Sec. 1514. Space policy review.

Sec. 1515. Annual briefing on threats to space operations.

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Sec. 1521. Authority for Army counterintelligence agents to execute warrants and make arrests.

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Sec. 1533. Modifications to requirements relating to unilateral changes in nuclear weapons stockpile of the United States.

Sec. 1534. Deadline for reports on modification of force structure for strategic nuclear weapons delivery systems.

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Sec. 1536. Congressional Commission on the Strategic Posture of the United States.

Sec. 1537. Revised nuclear posture review.

Sec. 1538. Ground-based strategic deterrent development program accountability matrices.

Sec. 1539. Procurement authority for certain parts of ground-based strategic deterrent cryptographic device.

Sec. 1540. Misdesign series popular name for ground-based strategic deterrent.

Sec. 1541. B-21 Raider nuclear capability and integration with long-range standoff weapon.

Sec. 1542. Comptroller General study and updated report on nuclear weapons capabilities and force structure requirements.

Sec. 1543. Prohibition on reduction of the intercontinental ballistic missiles of the United States.

Sec. 1544. Limitation of use of funds until completion of analysis of alternatives for nuclear sea-launched cruise missile.

Sec. 1545. Sense of the Senate on NATO security and nuclear cooperation between the United States and the United Kingdom.

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Sec. 1552. Annual reliability testing for the Next Generation Interceptor.

Sec. 1553. Next Generation Interceptor development program accountability matrices.

Sec. 1554. Extension of period for transition of ballistic missile defense programs to military departments.

Sec. 1555. Iron Dome short-range rocket defense system and Israeli cooperative missile defense program co-development and co-production.

Sec. 1556. Semiannual updates on meetings held by the Missile Defense Executive Board.

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Sec. 1605. Pilot program on public-private partnerships with internet ecosystem companies to detect and disrupt adversary cyber operations.

Sec. 1606. Zero trust strategy, principles, model architecture, and implementation plans.

Sec. 1607. Demonstration program for automated security validation tools.

Sec. 1608. Improvements to consortium of universities to advise Secretary of Defense on cybersecurity matters.

Sec. 1609. Quarterly reports on cyber operations.

Sec. 1610. Assessment of cybersecurity posture and operational assumptions and development of targeting strategies and supporting capabilities.

Sec. 1611. Assessing capabilities to counter adversary use of ransomware tools, capabilities, and infrastructure.

Sec. 1612. Comparative analysis of cybersecurity capabilities.

Sec. 1613. Report on the Cybersecurity Maturity Model Certification program.

Sec. 1614. Report on potential Department of Defense support and assistance for increasing the awareness of the Cybersecurity and Infrastructure Security Agency of cyber threats and vulnerabilities affecting critical infrastructure.

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Sec. 2003. Effective date.

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TITLE XXII—NAVY MILITARY CONSTRUCTION

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Sec. 2813. Modification of calculation of military housing contractor pay for privatized military housing.
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(b) LIMITATION ON USE OF FUNDS.—Of the funds authorized to be appropriated by this Act for fiscal year 2022 for procurement of the Integrated Visual Augmentation System, not more than 50 percent may be obligated or expended until the date on which the Secretary submits to the congressional defense committees the report required by subsection (a)(1).

SEC. 124. MODIFICATION OF DEPLOYMENT BY THE ARMY OF INTERIM CRUISE MISSILE COMBAT SYSTEM CAPABILITY.


(1) in paragraph (1), by striking “shall deploy” and inserting “shall deploy the capability by not later than September 30, 2020.”;

(2) in paragraph (2)—

(A) in the heading, by striking “DEADLINES” and inserting “DEADLINE”;

(B) by redesigning subparagraph (A) as follows:

(1) by striking “DEADLINE” and inserting “deadline”;

(C) in subparagraph (F), by adding “and” at the end;

(D) by striking subparagraph (G); and

(E) by redesigning subparagraph (H) as subparagraph (G); and

(3) in paragraph (4), by striking “in paragraph (1):” and all that follows through the period at the end and inserting “in paragraphs (1) through (3) of subsection (a):”;

SEC. 131. EXTENSION OF PROHIBITION ON AVAILABILITY OF FUNDS FOR NAVY PORT WATERBORNE SECURITY BARRIERS.


SEC. 132. ANALYSIS OF CERTAIN RADAR INVESTMENT OPTIONS.

(a) ANALYSIS.—

(1) IN GENERAL.—The Director of Cost Assessment and Program Evaluation shall conduct an analysis of covered radar systems operating with the Aegis combat system in the Navy and the Missile Defense Agency in the future-years defense program.

(2) ELEMENTS.—The analysis conducted under paragraph (1) shall include the following:

(A) An independent cost estimate of each covered radar system described in paragraph (1) and each variant thereof.

(B) An assessment of the capability provided by each such system and variant to address current and future air and missile defense threats.

(C) In the case of covered radar systems operating with the Aegis combat system in the Navy, an assessment of the capability and technical suitability of each planned configuration of such systems to support current and future distributed maritime operations in contested environments.

(b) REPORT.—Not later than March 1, 2022, the Director of Cost Assessment and Program Evaluation shall submit to the congressional defense committees the following:

(1) A report on the results of the analysis conducted under subsection (a)(1).

(2) Such recommendations as the Director may have to achieve greater capability, afford the capability of the covered radar systems described in subsection (a)(1), including variants thereof, during fiscal years 2022 through 2027, including whether parallel paths with different systems configurations or to choose to pursue fewer configurations.

(3) COVERAGE RADAR SYSTEMS DEFINED.—In this section, the term “covered radar systems” includes the following:

(A) AN/SPY–1.

(B) AN/SPY–6.

(C) AN/SPY–7.

SEC. 133. EXTENSION OF REPORT ON LITTORAL COMBAT SHIP MISSION PACKAGES.

Section 123a(i)(1) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2030) is amended by striking “fiscal year 2022” and inserting “fiscal year 2027.”

SEC. 134. EXTENSION OF PROCUREMENT AUTHORITY FOR CERTAIN AMPHIBIOUS SHIPBUILDING PROGRAMS.


SEC. 153. LIMITATION ON DECOMMISSIONING OR INACTIVATING A BATTLE FORCE SHIP BEFORE THE END OF EXPECTED SERVICE LIFE.

(a) IN GENERAL.—Chapter 863 of title 10, United States Code, is amended by inserting after section 8678 the following new section:

“8678a. Limitation on decommissioning or inactivating a battle force ship before the end of expected service life.

“(a) LIMITATION.—The Secretary of the Navy may not decommission or inactivate a battle force ship before the end of the expected service life of the ship.

“(b) WAIVER.—The Secretary may waive the limitation under subsection (a) if the Secretary certifies to the congressional defense committees a certification described in subsection (c).

“(c) CERTIFICATION DESCRIBED.—A certification described in this subsection is a certification that—

“(1)(A) maintaining the battle force ship in service is not feasible;

“(B) maintaining the ship with reduced capability is not feasible;

“(C) maintaining the ship as a Navy Reserve unit is not feasible;

“(D) transferring the ship to the Coast Guard is not feasible;

“(E) maintaining the ship is not required to support the national defense strategy required by section 113(g) of this title; and

“(F) maintaining the ship is not required to support operational plans of any combatant commander; and

“(2) includes an explanation of—

“(A) the options assessed and the rationale for the determinations under subparagraphs (A) through (D) of paragraph (1); and

“(B) the rationale for the determinations under subparagraphs (E) and (F) of such paragraph.

“(d) FORM.—A certification submitted under subsection (b) shall be submitted in unclassified form, but may include a classified annex.

“(e) DEFINITIONS.—In this section:

“(1) The term ‘battle force ship’ means the following:

“(A) A commissioned United States Naval Ship warship capable of contributing to combat operations.

“(B) A United States Naval Ship that contributes directly to Navy warfighting or support missions.

“(2) The term ‘expected service life’ means the number of years a naval vessel is expected to be in service.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 863 of title 10, United States Code, is amended by inserting after the item relating to section 86787 the following new item:

“8678a. Limitation on decommissioning or inactivating a battle force ship before the end of expected service life.”.

SEC. 136. ACQUISITION, MODERNIZATION, AND SUSTAINMENT PLAN FOR CARRIER AIR WINGS.

(a) PLAN REQUIRED.—Not later than February 1, 2022, the Secretary of the Navy shall submit to the congressional defense committees the following:

(1) A limited acquisition plan for the future carrier air wings for fiscal years 2023 through 2027,

(2) Such recommendations as the Secretary may determine regarding the future carrier air wings for fiscal years 2023 through 2027, including potential needs to sustain a carrier air wing for a period exceeding 15 years.

(b) ELEMENTS.—The plan required by subsection (a) shall include the following:

(1) An assessment of how well the capabilities and composition of the carrier air wings meet the requirements of the National Defense Strategy and the address known shortfalls such as with respect to tanker capacity and strike fighter range.

(2) An identification of the role of automation, aircraft, including the MQ-25 Stingray, and other potential future capabilities and platforms in future carrier air wings.

(3) An assessment of whether any carrier air wing is the correct force structure, considering—

(A) whether the composition of aircraft and squadrons within a carrier air wing as of the date on which the plan is submitted is adequate; and

(B) whether ten carrier air wings, the minimum number to be maintained under section 124a(i) of title 10, United States Code, after the earlier of the two dates referred to in subparagraphs (A) and (B) of paragraph (1) of such section, is adequate.

(4) An identification of the appropriate modernization plan to maximize operational use of platforms in existence as of the date on which the report is submitted, particularly EA-18G and F/A-18E/F aircraft, by leveraging available technologies such as Next Generation Jammer.

SEC. 137. IMPROVING OVERSIGHT OF NAVY CONTRACT TRUST FUND, CONVERSION, AND REPAIR.

(a) IN GENERAL.—Chapter 805 title 10, United States Code, is amended by adding at the end the following new section:


“(a) IN GENERAL.—The Secretary of the Navy shall establish and appoint an individual to the position of Deputy Commander of the Naval Sea Systems Command for the Supervision of Shipbuilding, Conversion, and Repair (in this section referred to as the ‘Deputy Commander’).

“(b) QUALIFICATIONS.—The Deputy Commander shall be a flag officer of the Navy or an employee of the Navy in a Senior Executive Service position.

“(c) REPORTING.—The Deputy Commander shall report directly to the Commander of the Naval Sea Systems Command.

“(d) GENERAL RESPONSIBILITIES.—The Deputy Commander shall—

“(1) independently administer and manage the execution of Department of Defense contracts awarded to commercial entities for shipbuilding, conversion, and repair at the facilities of such entities;
“(2) serve as the designated contract administration office of the Department responsible for performing contract administration services for the contracts described in paragraph (1);”

“(3) enforce contract requirements of the contracts described in paragraph (1), ensuring contractors and the Department satisfy contractual obligations;

“(4) work with contractors and Federal agencies to facilitate greater quality and economy in the products and services being procured; and

“(5) provide on-site quality assurance for contracts described in paragraph (1), including inspections.

“(c) Waterfront Chief Engineer.—(1) In general.—The Deputy Commander shall manage the complexities and unique demands of shipbuilding, conversion, and repair by performing the following:

“(i) establishes participate in acquisition plan-

or responsibility of the Waterfront Chief Engi-

Terms Command headquarters:

“(B) Serving as the waterfront technical

[section at the beginning of chapter 805 of

ment Agency, for implementation.”."

“(b) CLERICAL AMENDMENT.—The table of

sections at the beginning of chapter 805 of

addition at the end of the following new item:

“8039. Deputy Commander of the Naval Sea

Command System Command for the Supervi-

sion of Shipbuilding, Conversion, and Repair.”

“(c) DEADLINE FOR ESTABLISHMENT AND AP-

pointment.—Not later than 90 days after the

enactment of this Act, the Secretary of the Navy shall establish and appoint an individual to the position of Deputy Commander of the Naval Sea Systems Command for the Supervision of Shipbuilding, Conversion, and Repair under section 8039 of such title, as added by subsection (a).

Subtitle D—Air Force Programs

SEC. 141. REQUIRED MINIMUM INVENTORY OF TACTICAL AIRCRAFT.

(a) IN GENERAL.—The Secretary of the Air Force shall maintain a total tactical airlift aircraft inventory of at least 292 aircraft.

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

(c) SAVINGS CLAUSE.—

“(1) IN GENERAL.—During fiscal years 2021, 2022, and 2023, the Secretary of the Air Force is prohibited from reducing the total tactical airlift aircraft inventory from the National Guard.

“(2) REPLACEMENTS.—The Secretary of the Air Force shall remove aircraft from the total tactical airlift aircraft inventory of the National Guard if the Secretary of the Air Force replaces the aircraft with a similarly capable capability.

“(d) SUNSET.—This section shall not apply after October 1, 2023.

“(e) CONFORMING AMENDMENT.—Section 134(d) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is amended by striking “‘the date of the enactment of this Act, the Secretary of the Air Force determines under paragraph (1) that the status of such aircraft is due to a Class A mishap and not due to lack of maintenance or repairs or other reasons.’”

“(2) IN GENERAL.—The limitation under subchapter (a) shall not apply to an individual A-10 aircraft that the Air Force determines, on a case-by-case basis, to be no longer mission capable because of a Class A mishap.

“(3) CERTIFICATION REQUIRED.—If the Secretary determines under paragraph (1) that an aircraft is no longer mission capable, the Secretary shall submit to the congressional defense committees a report setting forth the following:

“(A) The plans of the Secretary to re-wing or be replaced by the aircraft in the fleet of 281 A-10 aircraft that have not received new wings as of the date of the enactment of this Act, including:

“(B) Any actions taken or contemplated to be taken to bridge any shortfall in aviation support.

“(C) Any actions taken or contemplated to be taken to bridge any shortfall in aviation support.

“(D) The funding needed to complete re-winging of the aircraft in the fleet and the fiscal year in which such funds will be requested; and

“(2) the plans for executing the installations, including the intended location, number, aircraft, and fiscal year in which installations will be completed.

“(3) any actions taken or contemplated to be taken to bridge any shortfall in aviation support.

“(E) The funding for unit, intermediate, and depot maintenance and repair, spare parts, fuel and all other flying hour costs.

“(3) in paragraph (2), by striking “‘funding available’; and

“(4) in paragraph (2), by striking “‘funding available’; and

“(b) REPORT ON COMPARISON TEST AND EVALUATION.That examines capabilities of F-35A and A-10C AIRCRAFT.—Section 134(e)(1) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 3038) is amended—

“(3) CERTIFICATION REQUIRED.—If the Secretary determines under paragraph (1) that an aircraft is no longer mission capable, the Secretary shall submit to the congressional defense committees a report setting forth the following:

“(A) The plans of the Secretary to re-wing or be replaced by the aircraft in the fleet of 281 A-10 aircraft that have not received new wings as of the date of the enactment of this Act, including:

“(B) Any actions taken or contemplated to be taken to bridge any shortfall in aviation support.

“(C) Any actions taken or contemplated to be taken to bridge any shortfall in aviation support.

“(D) The funding needed to complete re-winging of the aircraft in the fleet and the fiscal year in which such funds will be requested; and

“(2) the plans for executing the installations, including the intended location, number, aircraft, and fiscal year in which installations will be completed.

“(3) any actions taken or contemplated to be taken to bridge any shortfall in aviation support.

“(E) The funding for unit, intermediate, and depot maintenance and repair, spare parts, fuel and all other flying hour costs.

“(3) in paragraph (2), by striking “‘funding available’; and

“(4) in paragraph (2), by striking “‘funding available’; and

“(b) REPORT ON COMPARISON TEST AND EVALUATION.that examines capabilities of F-35A and A-10C AIRCRAFT.—Section 134(e)(1) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 3038) is amended—

“(2) the plans for executing the installations, including the intended location, number, aircraft, and fiscal year in which installations will be completed.

“(3) any actions taken or contemplated to be taken to bridge any shortfall in aviation support.

“(E) The funding for unit, intermediate, and depot maintenance and repair, spare parts, fuel and all other flying hour costs. .
SECTION 144. REQUIREMENTS RELATING TO REPORTS ON FIGHTER AIRCRAFT.

(a) MODIFICATION OF LIMITATION ON RETIREMENT OF A–10 AIRCRAFT.—Section 134(b) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 1937) is amended by striking “60 days after the date of the enactment of this Act, the Director of Operational Test and Evaluation shall submit to the congressional defense committees a report relating to the interchangeability of the F–35A and F–16 aircraft” and inserting “60 days after the date of the enactment of this Act, the Secretary of the Air Force may transition the F–16 aircraft to the F–35 aircraft.”

(b) FIGHTER AIRCRAFT COMPARISON TEST REPORTS.—

(1) REPORT FROM DIRECTOR OF OPERATIONAL TEST AND EVALUATION.—Not later than 90 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 relating to the interchangeability of the F–35A and F–16 aircraft.

(2) REPORT FROM SECRETARY OF THE AIR FORCE.—Not later than 60 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 relating to the interchangeability of the F–35A and F–16 aircraft.

SEC. 145. PROCUREMENT OF ADDITIONAL F–35 AIRCRAFT FOR THE AIR NATIONAL GUARD.

Beginning on the date on which the Secretary of the Air National Guard receives the first aircraft authorized by this Act, the Secretary of the Air Force may authorize the procurement of additional F–35 aircraft for the Air National Guard.

SEC. 146. PROHIBITION ON AVAILABILITY OF FUNDS FOR REDUCING THE NUMBER OF KC–135 AIRCRAFT OF THE AIR NATIONAL GUARD DESIGNATED AS PRIMARY MISSION AIRCRAFT INVENTORY.

Section 135(d) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is amended—

(1) by striking “None” and inserting the following—

“(1) FISCAL YEAR 2021.—None”; and

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

“(2) FISCAL YEAR 2022.—None of the funds authorized to be appropriated by this Act for fiscal year 2022 for the procurement of F–35 aircraft may not be obligated to provide the capability to any unit of the Air National Guard of the United States with an F–35 aircraft greater than 4 to 1.”

SEC. 147. Authority to Devise 18 KC–135 AirCRAFt.

Notwithstanding section 135 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), during the period beginning on the date of the enactment of this Act and ending on October 1, 2022, the Secretary of the Air Force may not obligate any funds to procure KC–135 aircraft.

SEC. 148. ProHIBITION ON USE OF FUNDS FOR A FOLLOW–ON TANKER AIRCRAFT TO THE KC–46 AIRCRAFT.

None of the funds authorized to be appropriated by this Act for fiscal year 2022 for the procurement of a follow-on tanker aircraft to the KC–46 aircraft (commonly referred to as a “bridge tanker”) until the date on which the Remote Vision System version 2.0 program is operational.

SEC. 149. MAINTENANCE OF B–1 BOMBER AIRCRAFT SQUADRONS.

The Secretary of the Air Force shall fully maintain and modernize the five squadrons of the B–1 bomber aircraft in existence as of the date of the enactment of this Act until at least September 30, 2030, unless such squadrons are replaced by units of the B–21 bomber aircraft.

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

SECTION 161. PROHIBITION ON DUPLICATION OF EFFORTS TO PROVIDE AIR- AND SPACE-BASED NETWORKING TARGET IN DICATOR CAPABILITY.

(a) ProHIBITION ON DUPLICATION OF EFFORTS.—The Secretary of Defense shall ensure that efforts to provide air- and space-based ground moving target indicator capability are not duplicated across the Department of Defense.

(b) ProHIBITION ON USE OF FUNDS.—The Secretary of Defense may not obligate or expend any funds to provide the capability described in subsection (a) until the Vice Chairman of the Joint Chiefs of Staff, in consultation with the Secretaries of the military departments and the heads of such agencies as the Secretary of Defense considers appropriate, submits to the congressional defense committees the following:

(1) A list of all procurement and research and development efforts relating to the capability described in subsection (a), funded by the Department of Defense or any other agency of the executive branch.

(2) A description of how the efforts described in paragraph (1) will provide real-time information to warfighters through the use of air battle managers and the joint all domain command and control efforts of the Department.

SEC. 162. LIMITATION ON FUNDS FOR ARMED OVERWATCH AIRCRAFT.

None of the funds authorized to be appropriated by this Act for Armed Overwatch aircraft may be obligated or expended for any purpose, unless the Air Force is in possession of an Armed Overwatch aircraft.

SEC. 163. TRANSITION OF F–35 PROGRAM SUPPORT FROM JOINT PROGRAM OFFICE TO AIR FORCE AND NAVY.

(a) Transition Plan.—Not later than February 1, 2022, the Secretary of Defense for Acquisition and Sustainment, in consultation with the Secretary of the Air Force and the Secretary of the Navy, shall submit to the congressional defense committees a report with a plan for transitioning sustainment responsibilities for the F–35 program away from the Joint Program Office.

(b) Transition Requirement.—Not later than October 1, 2027, the Secretary of Defense shall fully transition sustainment responsibilities for the F–35A to the Air Force as executive agent and of sustainment responsibilities for the F–35B and F–35C to the Navy as executive agent.

SEC. 211. INCREASE IN ALLOWABLE RATE OF BASIC PAY FOR CERTAIN EMPLOYEES OF DEFENSE ADVANCED RESEARCH PROJECTS AGENCY.

Subparagraph (A) of section 1590(b)(2) of title 10, United States Code, is amended to read as follows:

“(A) in the case of employees appointed pursuant to paragraph (1) or (2) to any of 5 positions designated by the Director of the Defense Advanced Research Projects Agency for purposes of this clause, at rates not in excess of the maximum rate of basic pay authorized for positions at Level I of the Executive Schedule under section 5312 of title 5; and

“(ii) to any other position designated by the Director for purposes of this clause, at rates not in excess of the maximum amount of total annual compensation payable at the salary set in accordance with section 104 of title 3; and’’.

SEC. 212. ADDITIONAL MISSION AREAS FOR MECHANISMS FOR EXPEDITED ACCESS TO TECHNICAL TALENT AND EXPERTISE AT ACADEMIC INSTITUTIONS BY DEPARTMENT OF DEFENSE.

Section 217(e) of the National Defense Authorization Act for Fiscal Year 2018 (10 U.S.C. 2538 note) is amended—

(1) by redesignating paragraph (30) as paragraph (31); and

(2) by inserting after paragraph (30) the following new paragraphs (30), (31), and (32):

“(30) Research security and integrity.

“(31) Spectrum dominance.

“(32) Printed circuit boards.”

SEC. 213. MODIFICATION OF OTHER TRANS-ACTION AUTHORITY FOR RESEARCH PROJECTS.

Section 2371 of title 10, United States Code, is amended—

(1) in subsection (e)—

(A) by striking paragraph (2);

(B) in paragraph (1), in the matter before subparagraph (A), by striking “(1)” and (C) by redesigning subparagraphs (A) and (B) as paragraphs (1) and (2), respectively; and

(2) by amending subsection (h) to read as follows:

“(h) Guidance.—The Secretary of Defense shall issue guidance to carry out this section.”

SEC. 214. ARTIFICIAL INTELLIGENCE METRICS.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall:

(1) review the potential applications of artificial intelligence and digital technology to Department of Defense platforms, processes, and operations; and

(2) establish performance objectives and accompanying metrics for the incorporation of artificial intelligence and digital readiness into such platforms, processes, and operations.

(b) Performance Objectives and Accompanying Metrics.—

(1) Skill Gaps.—In carrying out subsection (a), the Secretary of Defense shall require each Secretary of a military department and the head of each component of the Department to—

(A)(i) conduct a comprehensive review of skill gaps in the field of software development, software engineering, knowledge management, data science, and artificial intelligence; and

(ii) assess the number and qualifications of civilian personnel needed for both management and specialist tracks in such fields; and

(2) Authorizing Appropriations.

Funds are hereby authorized to be appropriated for fiscal year 2022 for the use of the Secretary of Defense for research, development, test, and evaluation, as specified in the funding table in section 2401.
(B) establish recruiting, training, and talent management performance objectives and accompanying metrics for achieving and maintaining staffing levels needed to fill identified gaps and meet the needs of the Department for skilled personnel.

(2) AI MODERNIZATION ACTIVITIES.—In carrying out subsection (a), the Secretary shall—

(A) assess investment by the Department in artificial intelligence innovation, science and technology, and research and development;

(B) assess investment by the Department in test and evaluation of artificial intelligence capabilities; and

(C) establish performance objectives and accompanying metrics for artificial intelligence modernization activities of the Department.

(3) EXERCISES, WARGAMES, AND EXPERIMENTS.—To assist the Secretary in carrying out subsection (a), the Chairman of the Joint Chiefs of Staff shall—

(A) assess the integration of artificial intelligence into war-games, exercises, and experimentation; and

(B) develop performance objectives and accompanying metrics for such integration.

(4) LOGISTICS AND SUSTAINMENT.—In carrying out subsection (a), the Secretary shall require the Assistant Secretary of Defense for Acquisition and Sustainment to—

(A) to assess the application of artificial intelligence in logistics and sustainment systems;

(B) to establish performance objectives and accompanying metrics for integration of artificial intelligence in the Department of Defense logistics and sustainment enterprise.

(5) BUSINESS AI APPLICATIONS.—In carrying out subsection (a), the Secretary of Defense shall—

(A) assess the integration of artificial intelligence for administrative functions that can be performed with robotic process automation and artificial intelligence-enabled analysis; and

(B) establish performance objectives and accompanying metrics for the integration of artificial intelligence in priority business process areas of the Department, including the following:

(i) Human resources.

(ii) Budget and finance, including audit.

(iii) Retail.

(iv) Real estate.

(v) Health care.

(vi) Logistics.

(vii) Other business processes as the Secretary considers appropriate.

(c) REPORT TO CONGRESS.—Not later than 120 days after the completion of the review required by subsection (a)(1), the Secretary shall submit to the congressional defense committees a report on—

(1) the findings of the Secretary with respect to the review and any action taken or proposed to be taken by the Secretary to address such findings; and

(2) the performance objectives and accompanying metrics established under subsections (a)(2) and (b).

SEC. 215. MODIFICATION OF THE JOINT COMMON FOUNDATION PROGRAM.

(a) MODIFICATION OF JOINT COMMON FOUNDATION.—The Secretary of Defense shall modify the Joint Common Foundation program of the Joint Artificial Intelligence Center to ensure that Department of Defense components can more easily interoperate with leading commercial artificial intelligence companies to support the rapid and efficient development and deployment of applications and capabilities.

(b) COMMERCIAL COMPANIES.—The Secretary shall take such actions as may be necessary to increase the number of commercial artificial intelligence companies eligible to provide support to Department of Defense components, including with respect to requirements for cybersecurity protections and appropriate automated authority to operate and provide continuous delivery, security clearances, data portability, and interoperability.

(c) USE OF続く.—The Secretary shall ensure that, to the maximum extent practicable, commercial artificial intelligence companies are able to offer platform-applications and tools to Department of Defense components through processes and procedures under part 12 of the Federal Acquisition Regulation.

(d) OBJECTIVES OF THE JOINT COMMON FOUNDATION PROGRAM.—The objectives of the Joint Common Foundation shall include the following:

(1) Relieving components of the need to design or develop independently contracts for the computing and data hosting platforms and associated services on and through which the component would apply its domain expertise to develop specific artificial intelligence applications.

(2) Providing robust guidance to components in selecting commercial platforms, tools, and services to support the development of component artificial intelligence applications.

(3) Ensuring that leading commercial artificial intelligence technologies and capabilities are easily and rapidly accessible to components through streamlined contracting processes.

(4) Assisting components in designing, developing, accessing, or acquiring commercial or non-commercial capabilities that may be needed to support the operational use of artificial intelligence applications.

(5) Enabling companies to develop software for artificial intelligence applications within secure software development environments that are controlled, sponsored, required, or specified by the Department of Defense, including PlatformOne of the Department of the Air Force.

(e) BRIEFING.—Not later than 120 days after the date of enactment of this Act, the Secretary shall provide to the congressional defense committees a briefing on actions taken to carry out this section.

SEC. 216. EXPANDED INVESTMENT ON EMERGING TECHNOLOGIES FOR SENIOR MILITARY AND MILITARY LEADERS.

(a) ESTABLISHMENT OF COURSE.—Not later than two years after the date of the enactment of this Act, the Secretary of Defense shall establish executive education activities on emerging technologies for appropriate general and flag officers and senior executive-level civilian leaders that are designed specifically to prepare new general and flag officers and senior executive-level civilian leaders on emerging technologies and how these technologies may be applied to military and business activities in the Department of Defense.

(b) PLAN FOR PARTICIPATION.—

(1) IN GENERAL.—The Secretary of Defense shall develop a plan for participation in executive education activities established under subsection (a).

(2) REQUIREMENTS.—As part of such plan, the Secretary shall ensure that, not later than five years after the date of the establishment of the activities under subsection (a), all appropriate general flag officers and senior executive-level civilian leaders are—

(A) required to complete the executive education activities under such subsection; and

(B) certified as having successfully completed the executive education activities.

(c) REPORT.—

(1) IN GENERAL.—Not later than the date that is three years after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the status of the implementation of the activities required by subsection (a).

(2) CONTENTS.—The report submitted under paragraph (1) shall include—

(A) a description of the new general and flag officers and senior executive-level civilian leaders for whom the education activities have been designated and

(B) a recommendation with respect to continuing or expanding the activities required under subsection (a).

SEC. 217. IMPROVEMENTS RELATING TO NATIONAL NETWORK FOR MICROELECTRONICS RESEARCH AND DEVELOPMENT.

Section 9903(b) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283) is amended—

(1) in paragraph (1), in the matter before subparagraph (A), by striking “may” and inserting “shall”;

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

“(3) STRUCTURE.—(A) In carrying out paragraphs (1) and (2) the Secretary shall, through a competitive process, select two or more entities to carry out the activities described in paragraph (2) as part of the network established under paragraph (1).

(B) The Secretary shall, to the extent practicable, ensure that the entities selected under subparagraph (A) collectively represent the geographic diversity of the United States.

SEC. 218. ACTIVITIES TO ACCELERATE DOMESTIC QUANTUM COMPUTING CAPABILITIES.

(a) ACTIVITIES REQUIRED.—The Secretary of Defense shall establish a set of activities—

(1) to accelerate the development and deployment of a useful, large scale, dual-use quantum computing capability;

(2) to ensure that the Department of Defense is fully aware and has a technical understanding of the maturity and operational utility of new and emerging quantum computing technologies; and

(3) to ensure that the Department of Defense consistently has access to the most advanced quantum computing capabilities available in the commercial sector to support research and modernization activities.

(b) ASSISTANCE PROGRAM.—

(1) PROGRAM REQUIRED.—In carrying out paragraph (a)(3), the Secretary shall, acting through the Director of the Defense Advanced Research Projects Agency and in consultation with such officials from government and private sector organizations as the Secretary considers appropriate, establish a program under which the Secretary may award assistance to one or more organizations to accelerate the development and deployment of a useful, dual-use quantum computing capability.

(2) FORM OF ASSISTANCE.—Assistance awarded under the program required by paragraph (1) may consist of a grant, a contract, a cooperative agreement, or such other form of assistance as the Secretary considers appropriate.

(3) AUTHORIZED AND ACQUISITION APPROACHES.—The Secretary may use the following authorities and acquisition approaches for the program required by paragraph (1):

(A) Section 2374a of title 10, United States Code, relating to prizes for advanced technology achievements;

(B) Section 2373 of such title, relating to procurement for experimental purposes.
(C) Sections 2371 and 2371b of such title, relating to transactions other than contracts and grants.

(D) Section 2388 of such title, relating to research projects.

(E) Section 879 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–326; 10 U.S.C. 2302 note), relating to defense science and technology programs requiring cooperative arrangements between the Department of Defense and any Federal agency, and requiring innovative commercial items, technologies, and services using general solicitation competitive procedures.

(F) Milestone payments based on technical achievements.

(G) Requirement for cost share from private sector participants in the program.

(H) Coordination with other agencies as part of the Federal Acquisition Regulations.

(1) Such other authorities or approaches as the Secretary considers appropriate.

(4) Milestone payments based on technical achievements.

(5) Requirement for cost share from private sector participants in the program.

(6) Coordination with other agencies as part of the Federal Acquisition Regulations.

(1) BRIEFING AND REPORT.—

(1) BRIEFING.—Not later than March 1, 2022, the Secretary shall provide to the congressional defense committees a briefing on the plan to carry out the activities required by subsection (a) (1) and the program required by subsection (b).

(2) REPORT.—Not later than December 31, 2022, and not less frequently than once each year thereafter until December 31, 2026, the Secretary shall submit to the congressional defense committees a report on the activities carried out under subsection (a) (1) and the program carried out under subsection (b).

SEC. 219. PILOT PROGRAMS FOR PASSIVE TELECOMMUNICATIONS INFRASTRUCTURE TO FACILITATE INSTALLATION OF FIFTH-GENERATION WIRELESS TELECOMMUNICATIONS.

(1) PLANS.—

(1) GENERAL.—Not later than 180 days after enactment of this Act, each Secretary of a military department shall submit to the congressional defense committees a plan for a pilot program for the deployment of passive telecommunications infrastructure to facilitate the deployment of fifth-generation wireless telecommunications on military installations of the respective military department.

(2) PLAN ELEMENTS.—Each plan submitted under paragraph (1) by a Secretary of a military department shall include, with respect to such department, the following:

(A) A list of military installations at which the pilot program will be carried out, including at least one military installation of the department.

(B) A description of authorities that will be used to execute the pilot program.

(C) A timeline for the implementation and duration of the pilot program.

(D) The number of telecommunication carriers that intend to use the passive telecommunications infrastructure to provide services at each of the military installations listed under subparagraph (A).

(E) An assessment of need for centralized processes and points of contact to facilitate passive telecommunications infrastructure or similar telecommunications infrastructure.

(F) PILOT PROGRAMS REQUIRED.—Not later than one year after the date of the enactment of this Act, each Secretary of a military department shall establish a pilot program in accordance with the plan submitted by the Secretary under subsection (a) (1).

(G) REPORTS.—

(1) GENERAL.—Not later than 180 days after the date on which a Secretary of a military department commences a pilot program under subsection (b) and not less frequently than once every 180 days thereafter until the completion of the pilot program, the Secretary of the military department shall submit to the congressional defense committees a report on the activities carried out under the plan submitted by the Secretary under subsection (a) (1).

(2) CONTENTS.—Each report submitted under paragraph (1) for a pilot program shall include the following:

(A) A description of the status of the pilot program at each location at which the pilot program is carried out.

(B) A description of the use of and services provided by systems carried by the passive telecommunications infrastructure at each military installation under the pilot program.

(C) Such additional information as the Secretary of the military department considers appropriate.

(d) PASSIVE TELECOMMUNICATIONS INFRASTRUCTURE DEFINED.—In this section, the term ‘‘passive telecommunications infrastructure’’ means the passive components that enable services of commercial telecommunications carriers and Department of Defense private networks, including macro tower, small cell, distributed antenna systems, dark fiber, and assured power solutions.

SEC. 220. NATIONAL GUARD PARTICIPATION IN PERSONNEL DEMONSTRATION LABORATORIES FOR 5G DEPLOYMENT.

(1) IN GENERAL.—Not later than 180 days after enactment of this Act, each Secretary of a military department shall submit to the congressional defense committees a report on the activities carried out under subsection (a) (1) and the program required by subsection (b).

(2) PROGRAM CARRIED OUT UNDER SUBSECTION (B).—

The Secretary of the Navy may not transfer any operational flight test event to be conducted by the Naval Aviation Support Facility at Naval Air Station Patuxent River, Maryland, to another location until the Secretary determines that such transfer is consistent with the mission of the Naval Aviation Support Facility and the purposes for which it was established.

SEC. 221. LIMITATION ON TRANSFER OF CERTAIN OPERATIONAL FLIGHT TEST EVENTS AND LIMITATION ON OPERATIONAL FLIGHT TEST CAPACITY.

The Secretary of the Navy may not transfer any operational flight test event to be conducted by the Naval Aviation Support Facility at Naval Air Station Patuxent River, Maryland, to another location until the Secretary determines that such transfer is consistent with the mission of the Naval Aviation Support Facility and the purposes for which it was established.

SEC. 222. LIMITATION ON AVAILABILITY OF FUNDS FOR THE HIGH ACCURACY DETECTION AND EXPLOITATION SYSTEM.

The Secretary of the Army may not transfer any operational flight test event to be conducted by the Naval Aviation Support Facility at Naval Air Station Patuxent River, Maryland, to another location until the Secretary determines that such transfer is consistent with the mission of the Naval Aviation Support Facility and the purposes for which it was established.

SEC. 223. CODIFICATION OF AUTHORITY RELATING TO NATIONAL GUARD PERSONNEL DEMONSTRATION LABORATORIES FOR ADVANCED DEGREES.

(1) IN GENERAL.—The Secretary of Defense may carry out personnel demonstration projects at Department of Defense laboratories designated by the Secretary as Laboratories for Advanced National Guard Personnel Demonstration Laboratories for Advanced Degrees.

(2) AUTHORITY.—The Secretary of Defense may carry out personnel demonstration projects at any laboratory designated by section 1102(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2496; 10 U.S.C. 2358 note) as a Department of Defense science and technology reinvention laboratory.

SEC. 224. LIMITATION ON AVAILABILITY OF FUNDS FOR THE HIGH ACCURACY DETECTION AND EXPLOITATION SYSTEM.

The Secretary of the Army may not transfer any operational flight test event to be conducted by the Naval Aviation Support Facility at Naval Air Station Patuxent River, Maryland, to another location until the Secretary determines that such transfer is consistent with the mission of the Naval Aviation Support Facility and the purposes for which it was established.

SEC. 225. LIMITATION ON AVAILABILITY OF FUNDS FOR THE HIGH ACCURACY DETECTION AND EXPLOITATION SYSTEM.
apply to the demonstration project, except that—

(A) subsection (d) of such section 4703 shall not apply to the demonstration project;

(B) section 3132(a)(3) of such title (as added by section 1110 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 2358) note) is hereby repealed.

(C) the Secretary shall exercise the authorities granted to the Office of Personnel Management under such section 4703 through the Under Secretary of Defense for Research and Engineering (who shall place an emphasis in the exercise of such authorities on enhancing efficient operations of the laboratory in a manner, in exercising such authorities, request administrative support from science and technology reinvention laboratories to review, research, and adjudicate personnel and social science proposals).

(4) The employees of a laboratory covered by a personnel demonstration project carried out under this section shall be exempt from, and may not be counted for the purposes of, any constraint or limitation in a statute or regulation in terms of supervisory ratios or maximum number of employees in any specific category or categories of employment that may otherwise be applicable to the employees. The employees shall be managed by the demonstration laboratory subject to the supervision of the Under Secretary of Defense for Research and Engineering.

(5) The limitations in section 5732 of title 5 (as added by section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 2358) note) is hereby repealed.

(6) Section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 2358 note) is hereby repealed.


(A) by amending subsection (a) to read as follows:

(1) The Air Force Research Laboratory.

(2) The Joint Warfare Analysis Center.

(3) The Army Research Institute for the Behavioral and Social Sciences.

(4) The Combat Capabilities Development Command Armament Research Center.


(6) The Combat Capabilities Development Command Aviation and Missile Center.

(7) The Combat Capabilities Development Command Chemical Biological Center.

(8) The Combat Capabilities Development Command Control, Command, Control, Communications, Computers, Cyber, Intelligence, Surveillance, and Reconnaissance Center.

(9) The Combat Capabilities Development Command Ground Vehicle Systems Center.

(10) The Combat Capabilities Development Command Human Resources Center.

(11) The Engineer Research and Development Center.

(12) The Medical Research and Development Command.

(B) in subsection (c), by striking “designated by section 1106(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2486)” and inserting “designated under section 411(b)(1) of title 10, United States Code”; and

(C) in subsection (d), by striking “section 410(a)(1) of title 10, United States Code;”.


(A) in subsection (e)(1)–

(i) in subparagraph (A), by striking “under section 358(a) of title 10, United States Code” and inserting “under section 411(b) of title 10, United States Code”;

(ii) by striking paragraph (B); and

(B) in subsection (e)(3), by striking “section 412(b)(1) of the National Defense Authorization Act for Fiscal Year 1986 (as cited in subsection (a))” and inserting “section 4110(a) of title 10, United States Code”.

(10) Section 249(c) of the National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–380; 10 U.S.C. 2358 note) is amended by striking “section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2486)” and inserting “designated under section 4110(a) of title 10, United States Code”.


(A) in subsection (e)(1)–

(i) in paragraph (A), by striking “under section 358(a) of title 10, United States Code” and inserting “under section 411(b) of title 10, United States Code”;

(ii) by striking paragraph (B); and

(B) in subsection (e)(3), by striking “section 412(b)(1) of the National Defense Authorization Act for Fiscal Year 1986 (as cited in subsection (a))” and inserting “section 4110(a) of title 10, United States Code”.


(A) in subsection (e)(1)–

(i) in paragraph (A), by striking “under section 358(a) of title 10, United States Code” and inserting “under section 411(b) of title 10, United States Code”;

(ii) by striking paragraph (B); and

(B) in subsection (e)(3), by striking “section 412(b)(1) of the National Defense Authorization Act for Fiscal Year 1986 (as cited in subsection (a))” and inserting “section 4110(a) of title 10, United States Code”.
(A) In subsection (b), by striking ‘‘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)’’ both places it appears and inserting ‘‘designated by section 4110(b) of this title’’; and
(B) by striking ‘‘(pursuant to section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 105–337; 10 U.S.C. 2358 note)’’ both places it appears and inserting ‘‘pursuant to section 4110(a) of this title’’.
(14) Section 4112(1) of title 10, United States Code, as redesignated by section 1843(b)(2) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), as amended by subsection (e)(1) of this section, is amended by striking ‘‘by section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (10 U.S.C. 2358 note)’’ and inserting ‘‘by section 1110(b) of this title’’.
(15) Section 1843(b)(2) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is amended by—
(A) by inserting ‘‘, 2358c,’’ after ‘‘Sections 2358a;’’ and
(B) striking ‘‘and 4112’’ and inserting ‘‘4112, and 4113’’, respectively.
(2) The table of sections at the beginning of chapter 305 of title 10, United States Code, as added by section 1105(a) of the National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is amended—
(A) by inserting ‘‘, 2358c,’’ after ‘‘Sections 2358a;’’ and
(B) striking ‘‘and 4112’’ and inserting ‘‘4112, and 4113’’, respectively.
(3) The Under Secretary of Defense for Research and Engineering shall designate which States are eligible States for the fiscal year for which the designation is effective or for the last three fiscal years, as the case may be; and
(4) Place the designation in the table to the right of the fiscal years for which the designation is effective or for the last three fiscal years, as the case may be; and
(5) Effective Date—
(A) The average annual amount of all Department of Defense obligations for science and engineering research and development that were in effect with institutions of higher education in the United States for the fiscal years preceding the fiscal year for which the designation is effective for the last three fiscal years as the case may be; and
(B) The State has demonstrated a commitment to developing research bases in the State as an eligible State if, as determined by the Under Secretary—
(A) the average annual amount of all Department of Defense obligations for science and engineering research and development that were in effect with institutions of higher education in the United States for such three fiscal years, as the case may be; and
(B) the State has demonstrated a commitment to developing research bases in the State as an eligible State if, as determined by the Under Secretary—
(1) the average annual amount of all Department of Defense obligations for science and engineering research and development that were in effect with institutions of higher education in the United States for the fiscal years preceding the fiscal year for which the designation is effective or for the last three fiscal years, as the case may be; and
(2) Competitive award of financial assistance for graduate students.
(3) To increase the probability of long-term growth in the competitively awarded financial assistance that institutions of higher education eligible States receive from the Federal Government for science and engineering research.
(4) Any other activities that are determined necessary to further the achievement of the objectives of this section.
(5) Eligible States.—(1) The Under Secretary of Defense for Research and Engineering shall designate which States are eligible States for the fiscal year for which the designation is effective or for the last three fiscal years, as the case may be; and
(6) Effective Date.—This section and the amendments made by this section shall take effect immediately after title XVIII of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) and the amendments made by such title take effect pursuant to section 1801(d)(1) of such Act.
SEC. 241. TECHNICAL CORRECTION TO PILOT PROGRAM FOR ENHANCEMENT OF RESEARCH, DEVELOPMENT, TEST, AND EVALUATION CENTERS OF DEPARTMENT OF DEFENSE.
Section 235(c)(2)(B) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 2358 note) is amended by striking ‘‘Chief Management Officer’’ and inserting ‘‘Deputy Secretary of Defense or a designee of the Deputy Secretary’’.
Subtitle D—Planning, Research, and Other Matters
SEC. 242. STUDY ON EFFICIENT USE OF DEPARTMENT OF DEFENSE TEST AND EVALUATION CAPABILITIES, FACILITIES, AND LABORATORIES.
(a) Study Required.—
(1) In General.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall direct the Defense Science Board to carry out a study on the resources and capabilities of the Department of Defense to conduct testing for the Department of Defense to conduct testing for the Department of Defense.
(b) Authorization of Appropriations.—There are authorized to be appropriated to carry out this study not more than $1 million.
(c) Conforming Repeals.—(1) Section 307 of title I of the 1997 Emergency Supplemental Appropriations Act for Recovery from Natural Disasters, and for Overseas Peacekeeping Efforts, Including Those in Bosnia (Public Law 105–158; 10 U.S.C. 2358 note) is amended by inserting after ‘‘Director of the Office of the Secretary of Defense’’ the following:
(2) Effective Date.—This section and the amendments made by this section shall take effect immediately after title XVIII of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) and the amendments made by such title take effect pursuant to section 1801(d)(1) of such Act.
SEC. 243. CODIFICATION OF REQUIREMENTS FOR DEFENSE ESTABLISHED PROGRAM TO STIMULATE COMPETITIVE RESEARCH.
(a) Program Required.—The Secretary of Defense, acting through the Under Secretary of Defense for Research and Engineering, shall carry out a Defense Established Program to Stimulate Competitive Research (DEFSCor) as part of the university research programs of the Department of Defense.
(b) Program Objectives.—The objectives of the program are as follows:
(1) To increase the number of university researchers in eligible States capable of performing engineering research responsive to the needs of the Department of Defense.
(2) To enhance the capabilities of institutions of higher education in eligible States to develop, plan, and execute science and engineering research that is relevant to the mission of the Department of Defense and competitive under the peer-review systems used for awarding Federal research assistance.
(3) To increase the probability of long-term growth in the competitively awarded financial assistance that institutions of higher education in eligible States receive from the Federal Government for science and engineering research.
(4) Any other activities that are determined necessary to further the achievement of the objectives of this section.
(5) Eligible States.—(1) The Under Secretary of Defense for Research and Engineering shall designate which States are eligible States for the fiscal year for which the designation is effective or for the last three fiscal years, as the case may be; and
(6) Effective Date.—This section and the amendments made by this section shall take effect immediately after title XVIII of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) and the amendments made by such title take effect pursuant to section 1801(d)(1) of such Act.
SEC. 244. TECHNICAL CORRECTION TO PILOT PROGRAM FOR ENHANCEMENT OF RESEARCH, DEVELOPMENT, TEST, AND EVALUATION CAPABILITIES, FACILITIES, AND LABORATORIES.
(a) Study Required.—
(1) In General.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall direct the Defense Science Board to carry out a study on the resources and capabilities of the Department of Defense to conduct testing for the Department of Defense.
(b) Authorization of Appropriations.—There are authorized to be appropriated to carry out this study not more than $1 million.
(c) Conforming Repeals.—(1) Section 307 of title I of the 1997 Emergency Supplemental Appropriations Act for Recovery from Natural Disasters, and for Overseas Peacekeeping Efforts, Including Those in Bosnia (Public Law 105–158; 10 U.S.C. 2358 note) is amended by inserting after ‘‘Director of the Office of the Secretary of Defense’’ the following:
(2) Effective Date.—This section and the amendments made by this section shall take effect immediately after title XVIII of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) and the amendments made by such title take effect pursuant to section 1801(d)(1) of such Act.
SEC. 245. STUDY ON EFFICIENT USE OF DEPARTMENT OF DEFENSE TEST AND EVALUATION CAPABILITIES, FACILITIES, AND LABORATORIES.
(a) Study Required.—
(1) In General.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall direct the Defense Science Board to carry out a study on the resources and capabilities of the Department of Defense to conduct testing for the Department of Defense.
testing (OT), and integrated testing (IT) within the Department of Defense in meeting statutory objectives and the test and evaluation requirements of the Adaptive Acquisition Framework.

(b) Identification of industry and government best practices for conducting developmental testing, operational testing, and integrated testing.

(c) Potential applicability of industry and government best practices for conducting developmental testing, operational testing, and integrated testing within the Department to improve test and evaluation outcomes.

(d) Identification of duplication of efforts and other non- or low-value added activities that reduce speed and effectiveness of test and evaluation activities.

(e) Assessment of test and evaluation oversight significant to the Secretary of Defense, including the authorities, responsibilities, activities, resources, and effectiveness, including with respect to acquisition programs of the military services and Defense Agencies.

(f) Development and assessment of potential courses of action to improve the effectiveness of oversight of developmental testing, operational testing, and integrated testing activities, and test and evaluation resources within the Office of the Secretary of Defense through the course of action establishing a single integrated office with such responsibilities.

(g) Development of strategic recommendations as the Board may have for legislative changes, authorities, organizational realignments, and administrative actions to improve test and evaluation oversight and capabilities, and facilitate better test and evaluation outcomes.

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

(4) ACCESS TO INFORMATION.—The Secretary shall provide the Board with timely access to appropriate information, data, resources, and analysis so that the Board may conduct a thorough and independent analysis as required under this subsection.

(5) REPORT.—(A) Not later than one year after the date on which the Secretary directs the Board to conduct the study pursuant to paragraph (1), or December 1, 2022, whichever occurs earlier, the Board shall transmit to the Secretary a final report.

(B) The Secretary shall assemble enterprise data sets in the following areas:

(1) shall be the Chief Information Officer of the Department, or such other official as the Secretary would recommend based on the findings of the Under Secretary with respect to such analysis.

SEC. 243. DIGITAL DEVELOPMENT INFRASTRUCTURE PLAN AND WORKING GROUP.

(a) PLAN REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall, acting through the working group established under subsection (c)(1), develop a plan for the creation of a modern digital development infrastructure described in subsection (b) that addresses issues relating to common interfaces, authentication, applications, platforms, software, hardware, and data infrastructure.

(b) CONTENTS OF PLAN.—At a minimum, the plan required by subsection (a) shall include the following:

(1) An open architecture, an evolving reference design, and guidance for necessary technical investments in the digital development infrastructure described in subsection (a) that address issues, including issues relating to common interfaces, authentication, applications, platforms, software, hardware, and data infrastructure.

(2) A governance structure, together with associated policies and guidance, to drive the implementation of the reference design required by paragraph (1) throughout the Department on a federated basis.

(3) Identification and minimum viable increments for the prototypical development and platform environments with the digital development infrastructure, including enterprise data sets assembled under subsection (d).

(c) WORKING GROUP.—

(1) ESTABLISHMENT.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall establish a working group on digital development infrastructure implementation to accelerate efforts aligned with the plan required by subsection (a).

(2) Members.—The working group established under paragraph (1) shall be composed of individuals selected by the Secretary to represent each of the following:

(A) The Office of Chief Data Officer (CDO).

(B) The Component Offices of Chief Information Officer and Chief Digital Officer.

(C) The Joint Artificial Intelligence Center (JAIC).

(D) The Office of the Under Secretary of Defense for Research & Engineering (OUSD (R&E)).

(E) The Office of the Under Secretary of Defense for Acquisition & Sustainment (OUSD (A&S)).

(F) The Office of the Under Secretary of Defense for Intelligence & Security (OUSD (IS)).

(G) Service Acquisition Executives.

(H) The Office of the Director of Operational Test and Evaluation (DOT&E).


(2) Barriers arising from differences between the current categorization and the systems and technologies available in the commercial marketplace; and

(3) Efficiencies and best practices for improving unmanned aerial systems technology.

(c) CONSULTATION.—In carrying out subsection (a), the Under Secretary shall consult with—

(1) the Secretaries of the military departments;

(2) the Chairman of the Joint Chiefs of Staff; and

(3) the Secretary of State.

(d) REPORT.—Not later than March 1, 2022, the Under Secretary shall submit to the congressional defense committees a report on the findings of the Under Secretary with respect to subsection (a).

SEC. 244. OPTIONALLY MANNED FIGHTING VEHICLE REQUIREMENTS ANALYSIS.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—The Secretary of the Army shall submit to the congressional defense committees a report on the determination of requirements for the Optionally Manned Fighting Vehicle that includes a description of the concept designs and detailed designs, and phases of the acquisition strategy.
(2) ELEMENTS REQUIRED.—The report required by paragraph (1) shall include the following:

(A) A detailed description of the Optionally Manned Fighting Vehicle requirements for size, weight, and performance characteristics to be utilized for the physical prototyping phase of the program.

(B) A description of the analysis conducted to determine requirements or characteristics to be utilized for physical prototyping of the Optionally Manned Fighting Vehicle.

(C) A description of Optionally Manned Fighting Vehicle-provided organizational designs analyzed through the concept design or detailed design phases.

(D) A detailed description of the analysis conducted to determine requirements or characteristics drawn with respect to the organizational design, survivability, mobility, payload, and combat effectiveness in execution of the critical operational tasks required of fighting-vehicle-equipped infantry within an armored brigade combat team.

(E) A comparison of the combat effectiveness and survivability of Optionally Manned Fighting Vehicle-equipped and Bradley Fighting Vehicle-equipped formations.

(b) BRIEFING REQUIRED.—The Secretary of the Army shall provide a briefing to the congressional defense committees on the elements of the report required under subsection (a) 30 days prior to its submission to the congressional defense committees.

(c) LIMITATION.—The Secretary of the Army shall not enter into contract for the development of the Optionally Manned Fighting Vehicle or otherwise named next-generation infantry fighting vehicle until 30 days after the Secretary submits to the congressional defense committees the report required under subsection (a).

SEC. 245. MAKING PERMANENT REQUIREMENT FOR ANNUAL REPORT BY DIRECTOR OF OPERATIONAL TEST AND EVALUATION.

Section 1294 of title 10, United States Code, is amended by striking "". . . through January 31, 2026"".

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 2022 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.

SEC. 311. EXPANSION OF PURPOSES OF SENTINEL LANDSCAPES PARTNERSHIP PROGRAM TO INCLUDE RESILIENCE.

(a) IN GENERAL.—Section 317 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2884a) is amended—

(1) in subsection (a), in the first sentence, by inserting "and restore" after "to preserve";

(2) in subsection (b), in the first sentence, by striking "The Secretaries" and inserting the following:

"(1) IN GENERAL.—The Secretaries";

(bb) in paragraph (1), as designated by subparagraph (A), by inserting "or in involves a sentinel landscape" before the semicolon; and

(bb) in paragraph (2), by inserting "or that would contribute to maintaining or improving military installation resilience" before the semicolon; and

(cc) in subsection (II), as redesignated by item (bb), by striking the period at the end and inserting "; or"; and

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

"(ii) for one or more ecosystems within a sentinel landscape; and"

(b) STRATEGY TO TEST AND INTEGRATE WIND TURBINE INTERFERENCE MITIGATION STRATEGIES.—The Secretary of Defense and the Secretary of the Air Force, in coordination with the Commander of United States Northern Command and the Commander of North American Aerospace Defense Command, shall develop a strategy to test and integrate wind turbine interference mitigation strategies into radars and the air surveillance command and control architecture of the Department of Defense.

(c) EXEMPTION FROM PROHIBITION ON USE OF OPEN-AIR BURN PITS IN CONTINGENCY OPERATIONS OUTSIDE THE UNITED STATES.

Section 317(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 2701 note) is amended by striking the end of subsection (a) and inserting the following:

"(1) A notice of presumed risk issued under paragraph (a) is a preliminary assessment only and does not represent a finding that the Secretary of Defense has a net gain from the use of open-air burn pits under subparagraph (B) or (D) or subsection (c).

(b) IN GENERAL.—The Secretary of Defense shall—

(1) develop a strategy to ensure that energy resilience measures—

(ii) produce resulting data that is understandable and usable by the typical source selection official;

(c) REQUIREMENTS AND CRITERIA.—The Secretary of Defense shall—

(1) provide an accurate projection of the costs and performance of the energy resilience measure being analyzed;

(2) be used without specialized training; and

(3) provide resulting data that is understandable and usable by the typical source selection official; and

(d) PROVISION OF TECHNICAL AND ANALYTICAL TOOLS.—The Secretary of Defense shall provide a report on the execution by the Secretary of such requirement.

SEC. 312. MILITARY AVIATION AND INSTALLATION ASSURANCE CLEANINGHOUSE MATTERS.

(a) STRATEGY TO TEST AND INTEGRATE WIND TURBINE INTERFERENCE MITIGATION STRATEGIES.—The Secretary of Defense and the Secretary of the Air Force, in coordination with the Commander of United States Northern Command and the Commander of North American Aerospace Defense Command, shall develop a strategy to test and integrate wind turbine interference mitigation strategies into radars and the air surveillance command and control architecture of the Department of Defense.
SEC. 315. DEMONSTRATION PROGRAM ON DOMESTIC PRODUCTION OF RARE EARTH ELEMENTS FROM COAL BYPRODUCTS.

(a) DEMONSTRATION PROGRAM REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall carry out a demonstration program on recovering rare earth elements and critical minerals from acid mine drainage and other coal byproducts.

(b) PARTNERSHIP.—The Secretary shall carry out the demonstration program required by subsection (a) by entering into a partnership with one or more institutions of higher education that can demonstrate techniques for recovering rare earth elements and critical minerals from acid mine drainage and other coal byproducts, as the Secretary considers applicable.

(c) ELEMENTS.—The demonstration program required by subsection (a) shall address the following:

(1) The efficacy of separating rare earth elements and critical minerals from acid mine drainage.

(2) The feasibility of bringing this technology to commercialized scale.

(d) Domestic locations that are appropriate for the demonstration program.

(4) The ability of this technology to meet the requirements of the defense industrial base to implement the rare earth element and critical mineral needs of the Department of Defense.

SEC. 316. AUTHORITY TO TRANSFER AMOUNTS DERIVED FROM ENERGY COST SAVINGS.

Section 202 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e) TRANSFER OF AMOUNTS.—(1) The Secretary of Defense may transfer amounts described in subsection (a) that remain available for obligation to other funding accounts of the Department of Defense if the purpose for which such amounts will be used is a purpose specified in subsection (b) or (c).

(2) Amounts transferred to a funding account require by subsection (a) shall be available for obligation for the same period as amounts in that account.".

SEC. 317. SENSE OF SENATE ON ENERGY INDEPENDENCE AND DIVERSIFICATION.

It is the sense of the Senate that the United States should—

(1) remain energy independent to enhance national security; and

(2) adopt all-or-the-above energy strategy to diversify and mitigate the risk of becoming energy and materially dependent on vulnerable sources of energy and energy technology that simultaneously constrain the operations of the Armed Forces of the United States.

Subtitle C—National Security Climate Resilience

SEC. 311. SHORT TITLE.

This subtitle may be cited as the "National Security Climate Resilience Act".

SEC. 312. DEFINITIONS.

In this subtitle:

(1) CLIMATE RESILIENCE.—The term "climate resilience" means the ability of this technology to meet the elements of the demonstration programs established under subsection (a) $3,000,000.

(2) EXTREME WEATHER.—The term "extreme weather" means recurrent flooding, drought, desertification, wildfires, thawing permafrost, or any other weather-related event or combination of events that present a recurring annual threat to facilities and other infrastructure of the Department of Defense or are likely to recur over a period of years.

SEC. 333. CLIMATE RESILIENCE IN PLANNING, ENGAGEMENT STRATEGIES, INFRASTRUCTURE RESILIENCE AND INFRASTRUCTURE DEVELOPMENT OF DEPARTMENT OF DEFENSE.

(a) CLIMATE RESILIENCE AND CLIMATE RESILIENCE IN KEY PROCESSES OF DEPARTMENT OF DEFENSE.—The Secretary of Defense shall direct that the acquisition, budget planning and execution, infrastructure planning and sustainability, force engagement, strategy development, security assistance, and other core processes of the Department of Defense fully consider and make needed adjustments to account for current and emerging climate and environmental challenges and to ensure the climate resilience of assets and capabilities of the Department.

(b) CLIMATE RESILIENCE MISSION IMPACT ASSESSMENT.—

(1) IN GENERAL.—The Secretary shall conduct a mission impact assessment on climate resilience for the Department in order to identify and assess the full spectrum of climate risks that could impact the mission of the Department and the degree to which the Department is resilient to such risks.

(2) ELEMENTS.—The assessment conducted under paragraph (1) shall include the following:

(A) An assessment of the impact of the latest climate science scenarios, as indicated in the National Climate Assessment, on readiness, training, testing, and operations for near-term operations and long-term, worst-case scenario climate projections for the Department.

(B) A comprehensive review, conducted pursuant to section 153 of title 10, United States Code, by the Chairman of the Joint Chiefs of Staff (in coordination with the Secretaries of the military departments and the heads of the Defense Agencies), to determine

(i) security risks posed by extreme weather to operational and theater security plans and engagement with allies and partners of the United States,

(ii) the extent to which the program recommendations and budget proposals of the military departments and other components of the Department "Climate Resilience Infrastructure Initiative of the Department of Defense".

(c) REPORTS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and every five years thereafter, the Chairman of the Joint Chiefs of Staff shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the broader strategic and operational impacts of extreme weather on the Department, measures to address such impacts, and progress in implementing new technologies and platforms, training and education methods, and data collection and dissemination for each military department to meet its mission requirements.

(2) RESEARCH, DEVELOPMENT, AND DEPLOYMENT NEEDS.—Each report required by paragraph (1) shall identify research, development, and deployment needs for each combatant command and functional command.

SEC. 334. CLIMATE RESILIENCE INFRASTRUCTURE INITIATIVE OF THE DEPARTMENT OF DEFENSE.

(a) DESIGNATION.—The programs, practices, and activities carried out pursuant to this section shall be known as the "Climate Resilience Infrastructure Initiative of the Department of Defense".

(2) DURATION.—The demonstration program established under subsection (a) shall be carried out during the one-year period beginning on the date of the commencement of the demonstration program.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the same purpose specified in subsection (b) or (c).

(f) BRIEFING.—Not later than 120 days after the completion of the demonstration program required by subsection (a), the Secretary and the program manager of the institute of higher education with whom the Secretary partners under subsection (b) shall brief the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives on the elements of the demonstration program set forth in subsection (e).

SEC. 311. SHORT TITLE.

This subtitle may be cited as the "National Security Climate Resilience Act".

SEC. 312. DEFINITIONS.

In this subtitle:

(1) CLIMATE RESILIENCE.—The term "climate resilience" means the ability of this technology to meet the elements of the demonstration programs established under subsection (a) $3,000,000.

(2) EXTREME WEATHER.—The term "extreme weather" means recurrent flooding, drought, desertification, wildfires, thawing permafrost, or any other weather-related event or combination of events that present a recurring annual threat to facilities and other infrastructure of the Department of Defense or are likely to recur over a period of years.

SEC. 333. CLIMATE RESILIENCE IN PLANNING, ENGAGEMENT STRATEGIES, INFRASTRUCTURE RESILIENCE AND INFRASTRUCTURE DEVELOPMENT OF DEPARTMENT OF DEFENSE.

(a) CLIMATE RESILIENCE AND CLIMATE RESILIENCE IN KEY PROCESSES OF DEPARTMENT OF DEFENSE.—The Secretary of Defense shall direct that the acquisition, budget planning and execution, infrastructure planning and sustainability, force engagement, strategy development, security assistance, and other core processes of the Department of Defense fully consider and make needed adjustments to account for current and emerging climate and environmental challenges and to ensure the climate resilience of assets and capabilities of the Department.

(b) CLIMATE RESILIENCE MISSION IMPACT ASSESSMENT.—

(1) IN GENERAL.—The Secretary shall conduct a mission impact assessment on climate resilience for the Department in order to identify and assess the full spectrum of climate risks that could impact the mission of the Department and the degree to which the Department is resilient to such risks.

(2) ELEMENTS.—The assessment conducted under paragraph (1) shall include the following:

(A) An assessment of the impact of the latest climate science scenarios, as indicated in the National Climate Assessment, on readiness, training, testing, and operations for near-term operations and long-term, worst-case scenario climate projections for the Department.

(B) A comprehensive review, conducted pursuant to section 153 of title 10, United States Code, by the Chairman of the Joint Chiefs of Staff (in coordination with the Secretaries of the military departments and the heads of the Defense Agencies), to determine

(i) security risks posed by extreme weather to operational and theater security plans and engagement with allies and partners of the United States,

(ii) the extent to which the program recommendations and budget proposals of the military departments and other components of the Department "Climate Resilience Infrastructure Initiative of the Department of Defense".

(c) REPORTS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and every five years thereafter, the Chairman of the Joint Chiefs of Staff shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the broader strategic and operational impacts of extreme weather on the Department, measures to address such impacts, and progress in implementing new technologies and platforms, training and education methods, and data collection and dissemination for each military department to meet its mission requirements.

(2) RESEARCH, DEVELOPMENT, AND DEPLOYMENT NEEDS.—Each report required by paragraph (1) shall identify research, development, and deployment needs for each combatant command and functional command.

SEC. 334. CLIMATE RESILIENCE INFRASTRUCTURE INITIATIVE OF THE DEPARTMENT OF DEFENSE.

(a) DESIGNATION.—The programs, practices, and activities carried out pursuant to this section shall be known as the "Climate Resilience Infrastructure Initiative of the Department of Defense".
(b) Conformance of Facilities and Infrastructure to Climate Resilience Requirements.—

(1) IN GENERAL.—The Secretary of Defense, in coordination with the Secretaries of the military departments, the Chief of the National Guard Bureau, the Director of the Defense Advanced Research Projects Agency, the Under Secretary of Defense for Acquisition and sustain standards applicable to structures of the Defense Advanced Research Projects Agency, and the head of the Strategic Environmental Research and Development Program, shall ensure that all facilities and infrastructure of the Department meet applicable standards and requirements of the United States Code.

(2) STANDARDS AND REQUIREMENTS.—The Secretary shall provide for the ongoing review and update of the standards and requirements referred to in paragraph (1) to ensure that such lessons learned on the potential impacts of extreme weather on the facilities and infrastructure of the Department.

(c) Collaborators and Coordination With Local Communities.—The Secretary shall coordinate with State and local governments and with the Secretaries of the military departments on the development of climate adaptation plans.

(d) Hardening and Quick Recovery.—In carrying out subsection (b), the Secretary shall ensure that the Department develops requirements for backup utilities, communications, and transportation to ensure that the critical infrastructure of Department facilities is hardened, developed, and constructed such that it can be restored quickly from natural disasters and the impacts of extreme weather.

(e) Sustaining and Modernization.—In carrying out subsection (b), the Secretary shall ensure that all facilities and infrastructure of the Department are updated on an ongoing basis to incorporate best practices on climate resilience in the specific regions in which the structures are located, including with respect to worst case scenarios in connection with the impacts of extreme weather.

(f) R&D.—In carrying out subsection (b), the Secretary shall ensure that the Department develops requirements for research and development of hardening and quick recovery strategies.

(g) Testing and Training Range Lands.—

(1) PRACTICES FOR SUSTAINMENT OF LANDS.—The Secretary shall develop and implement practices to sustain the lands of the military departments, the Department of the Army, and the Department of the Navy by carrying out subsection (b), the Secretary shall provide for the ongoing review and update of the standards and requirements referred to in paragraph (1) to ensure that such lessons learned on the potential impacts of extreme weather on the facilities and infrastructure of the Department.

(2) HARDENING AND QUICK RECOVERY.—In carrying out subsection (b), the Secretary shall ensure that the Department develops requirements for backup utilities, communications, and transportation to ensure that the critical infrastructure of Department facilities is hardened, developed, and constructed such that it can be restored quickly from natural disasters and the impacts of extreme weather.

(3) SUSTAINMENT AND MODERNIZATION.—In carrying out subsection (b), the Secretary shall ensure that all facilities and infrastructure of the Department are updated on an ongoing basis to incorporate best practices on climate resilience in the specific regions in which the structures are located, including with respect to worst case scenarios in connection with the impacts of extreme weather.

(4) R&D.—In carrying out subsection (b), the Secretary shall ensure that the Department develops requirements for research and development of hardening and quick recovery strategies.

(5) TESTING AND TRAINING RANGE LANDS.—The Secretary shall develop and implement practices to sustain the lands of the military departments, the Department of the Army, and the Department of the Navy by carrying out subsection (b).

(6) IN GENERAL.—The Secretary shall provide for appropriate investments in the lands of the military training and testing ranges in order to increase the resilience and adaptation of such lands to the current and projected impacts of extreme weather for testing and training purposes in connection with current and projected training requirements in the short-term and the long-term.

(7) USE OF EMISSION-FREE TECHNOLOGIES.—The Secretary shall take appropriate actions to increase the use of zero-emission and new energy technologies in the operations, programs, projects, and activities of the Department.

SEC. 335. ASSESSMENT OF CLIMATE RISKS TO INFRASTRUCTURE OF DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—The Secretary of Defense shall direct the Secretary of each military department—

(1) to assess the vulnerability of installations and other facilities under the jurisdiction of such Secretary, and of State-owned National Guard installations, to the current and projected impacts of extreme weather, including vulnerability and risk assessments for installation-specific plans pursuant to section 232 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1310); and

(2) to assess the infrastructure required for successful operation of such installations and facilities in response to such vulnerabilities.

(b) REQUIRED ACTIVITIES.—In carrying out subsection (a), the Secretary of each military department shall rank the needs of the military installations and other facilities under the jurisdiction of such Secretary, and of State-owned National Guard installations, based on level of risks posed by the current and projected impacts of extreme weather, the likelihood of such risks, and the importance of such installations and facilities in maintaining overall readiness and operational capability.

(c) MILITARY INSTALLATION RESILIENCE DEFINED.—In this section, the term ‘military installation resilience’ has the meaning given that term in section 101(e)(8) of title 10, United States Code, and similar plans for State-owned National Guard installations, to address such vulnerabilities.

(d) RANKING BY INSTALLATIONS.—In carrying out subsection (a), the Secretary of each military department shall rank the needs of the military installations and other facilities under the jurisdiction of such Secretary, and of State-owned National Guard installations, based on level of risks posed by the current and projected impacts of extreme weather, the likelihood of such risks, and the importance of such installations and facilities in maintaining overall readiness and operational capability.

(e) SUSTAINMENT AND MODERNIZATION.—In carrying out subsection (b), the Secretary shall provide for the ongoing review and update of the standards and requirements referred to in paragraph (1) to ensure that such lessons learned on the potential impacts of extreme weather on the facilities and infrastructure of the Department.

(f) R&D.—In carrying out subsection (b), the Secretary shall ensure that the Department develops requirements for research and development of hardening and quick recovery strategies.

(g) TESTING AND TRAINING RANGE LANDS.—

(1) PRACTICES FOR SUSTAINMENT OF LANDS.—The Secretary shall develop and implement practices to sustain the lands of the military departments, the Department of the Army, and the Department of the Navy by carrying out subsection (b), the Secretary shall provide for the ongoing review and update of the standards and requirements referred to in paragraph (1) to ensure that such lessons learned on the potential impacts of extreme weather on the facilities and infrastructure of the Department.

(2) HARDENING AND QUICK RECOVERY.—In carrying out subsection (b), the Secretary shall ensure that the Department develops requirements for backup utilities, communications, and transportation to ensure that the critical infrastructure of Department facilities is hardened, developed, and constructed such that it can be restored quickly from natural disasters and the impacts of extreme weather.

(3) SUSTAINMENT AND MODERNIZATION.—In carrying out subsection (b), the Secretary shall ensure that all facilities and infrastructure of the Department are updated on an ongoing basis to incorporate best practices on climate resilience in the specific regions in which the structures are located, including with respect to worst case scenarios in connection with the impacts of extreme weather.

(4) R&D.—In carrying out subsection (b), the Secretary shall ensure that the Department develops requirements for research and development of hardening and quick recovery strategies.

(h) Testing and Training Range Lands.—

(1) PRACTICES FOR SUSTAINMENT OF LANDS.—The Secretary shall develop and implement practices to sustain the lands of the military departments, the Department of the Army, and the Department of the Navy by carrying out subsection (b), the Secretary shall provide for the ongoing review and update of the standards and requirements referred to in paragraph (1) to ensure that such lessons learned on the potential impacts of extreme weather on the facilities and infrastructure of the Department.

(2) HARDENING AND QUICK RECOVERY.—In carrying out subsection (b), the Secretary shall ensure that the Department develops requirements for backup utilities, communications, and transportation to ensure that the critical infrastructure of Department facilities is hardened, developed, and constructed such that it can be restored quickly from natural disasters and the impacts of extreme weather.

(3) SUSTAINMENT AND MODERNIZATION.—In carrying out subsection (b), the Secretary shall provide for the ongoing review and update of the standards and requirements referred to in paragraph (1) to ensure that such lessons learned on the potential impacts of extreme weather on the facilities and infrastructure of the Department.

(4) R&D.—In carrying out subsection (b), the Secretary shall ensure that the Department develops requirements for research and development of hardening and quick recovery strategies.
Year 2022, the Secretary of Defense shall complete preliminary assessment and site inspection testing for perfluoroalkyl substances and polyfluoroalkyl substances at all military installations and facilities of the National Guard located in the United States that are identified as of March 31, 2021, as having contamination from perfluoroalkyl substances or polyfluoroalkyl substance.

(b) Determination of contamination.—Testing conducted under subsection (a) at a military installation or facility of the National Guard shall determine—

(1) whether the installation or facility has contamination from a perfluoroalkyl substance or polyfluoroalkyl substance;

(2) whether activities in connection with such installation or facility have caused contamination from a perfluoroalkyl substance or polyfluoroalkyl substance outside of such installation or facility.

(c) Additional response actions.—Testing conducted under subsection (a) shall provide at least a preliminary basis for determining whether additional environmental response actions are necessary to address contamination from a perfluoroalkyl substance or polyfluoroalkyl substance.

(d) Type of testing.—When testing for perfluoroalkyl substances or polyfluoroalkyl substances under subsection (a) or any other provision of law, the Secretary shall use a method to measure all perfluoroalkyl substances and polyfluoroalkyl substances in drinking water that has been validated by the Administrator of the Environmental Protection Agency.

(e) Report.—(1) For each of fiscal years 2020 through 2024, the Secretary shall submit to Congress a report on the status of the testing conducted under subsection (a) during such year.

(2) Each report submitted under paragraph (1) shall identify, with respect to testing conducted under subsection (a)—

(A) each installation or facility where testing has been completed;

(B) each installation or facility where testing has not yet been completed;

(C) the projected completion date for testing at installations or facilities where testing has not yet been completed;

(D) the results of testing at installations or facilities where testing has been completed; and

(E) actions planned, and the projected timelines for such actions, for each installation or facility to address contamination by a perfluoroalkyl substance or polyfluoroalkyl substance.

(3) Each report submitted under paragraph (1) shall be provided to Congress not later than the end of the fiscal year immediately following the fiscal year covered by the report.

(f) The Secretary may delegate the responsibility for preparing the reports required by paragraph (1) only to the Deputy Secretary of Defense.

(1) Environmental assessment.—The table of sections for chapter 160 of this title is amended—

(A) by inserting after the item relating to chapter 160 the following new item:

"SUBCHAPTER I—ENVIRONMENTAL RESTORATION"; and

(B) by adding at the end the following:

"SUBCHAPTER II—TREATMENT OF PERFLUOROALKYL SUBSTANCES AND POLYFLUOROALKYL SUBSTANCES"

Sec. 2713. Definitions.

Sec. 2714. Perfluoroalkyl substances and polyfluoroalkyl substances task force.

Sec. 2715. Testing for perfluoroalkyl substances and polyfluoroalkyl substances at military installations and facilities of the National Guard.
SEC. 372. INCIDENT REPORTING REQUIREMENTS FOR DEPARTMENT OF DEFENSE REGARDING LOST OR STOLEN WEAPONS.

(a) In General.—For each of fiscal years 2022, 2023, and 2024, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on security, control, thefts, losses, and recoveries of sensitive conventional weapons, and explosives (commonly referred to as “AA&E”) of the Department of Defense during such year, including the following:

(1) M-16 or M-4 rifles.

(2) Light automatic weapons up to and including M249, M2, and 40mm MK19 machine guns.

(3) Functional launch tube with umbilical quick installed and grip stock for the Stinger missile.

(4) Launch tube, sight assembly, and grip stock for missiles.

(5) Tracker for the Dragon missile.

(6) Mortar tubes up to and including 81mm.

(7) Grenade launchers.

(8) Rocket and missile launchers with an unpacked weight of 100 pounds or less.

(9) Flame throwers.

(10) The launcher guidance se, or the optical sight for the TOW and the Javelin Command Launch Unit.

(11) Single shot and semi-automatic (non-automatic) shotguns such as shotguns and bolt action rifles and weapons barrels.

(12) Handguns.

(13) Recoil-less rifles up to and including 106mm.

(14) Man-portable missiles and rockets in a ready-to-fire condition when jointly stored or transported with the launcher tube or grip-stock and the explosive round.

(15) Stinger missiles.

(16) Dragon, Javelin, light antitank weapon (66mm), shoulder-launched multi-purpose assault weapon rocket (83mm), M136 (AT4) anti-armor launcher and cartridge (84mm).

(17) Missiles and rockets that are crew-served or require platform-mounted launchers and other equipment to function including HYDRA-70 rockets and tube-launched optically-wired guided (TOW) missiles.

(18) Missiles and rockets that require platform-mounted launchers and complex hardware equipment to function including the HELLFIRE.

(19) Explosive rounds of any missile or rocket listed in paragraphs (1) through (18).

(20) Hand or rifle grenades (high-explosive and white phosphorous).

(21) Antitank or antiarmor mines.

(22) Explosives used in demolition operations, C-4, military dynamite, and trinitrotoluene (TNT).

(23) Warheads for sensitive missiles and rockets weighing less than 50 pounds each.

(24) Ammunition that is .50 caliber or larger with explosive-filled projectile.

(25) Incendiary grenades and fuses for high-explosive grenades.

(26) Blasting caps.

(27) Supplementary charges.

(28) Bulk explosives.

(29) Detonating cord.

(30) Riot control agents.

(b) Immediate Reporting of Confirmed Thefts, Losses, and Recoveries.—Not later than 72 hours after a confirmed theft, loss, or recovery of a sensitive conventional weapon, ammunition, or explosive covered by the report required by subsection (a), the Secretary shall report the theft, loss, or recovery to the National Crime Information Center and local law enforcement.

SEC. 373. REPEAL OF SUNSET FOR NAVAL VESSEL SYSTEMS AND EQUIPMENT INVENTORY REPORTS.

Section 687(a)(1) of title 10, United States Code, is amended by striking paragraph (3).

SEC. 374. REPORT ON AMMUNITION ORGANIC IN-INDUSTRIAL BASE MODERNIZATION BY DEPARTMENT OF THE ARMY.

(a) In General.—Not later than March 15, 2022, the Secretary of the Army shall submit to the congressional defense committees a report on each modernization master plan for the optimal placement and creation of efficiencies in facilities and major equipment to support mission requirements at ammunition organic industrial basing facilities under the jurisdiction of the Secretary of the Army; and

(2) an investment strategy to address the facilities and major equipment, and infrastructure requirements at each such production facility in order to support the readiness and material availability goals of current and future weapons systems of the Department of Defense.

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

(1) A review of current and projected workload requirements for the manufacturing of energetic materials, including propellants, explosives, pyrotechnics, and the ingredients for propellants, explosives, and pyrotechnics, to assess efficiencies in the use of existing facilities, including consideration of new weapons characteristics and requirements, obsolescence of facilities, siting of facilities and equipment, and various constrained press flows.

(2) An analysis of life-cycle costs to repair and modernize existing mission-essential facilities versus the cost to consolidate functions into modern, right-sized facilities at each location to meet current and programmed future mission requirements.

(3) A review of the progress made in prioritizing and funding projects that facilitate process efficiencies and consolidate and contribute to availability cost and schedule reductions.

(4) An accounting of the backlog of restoration and modernization projects at each arsenal of the Department of the Army.

(5) A master plan for each arsenal of the Department of the Army that incorporates the results of a review of—

(A) industrial processes, logistics streams, and workload distribution required to support production output objectives.

(B) the facilities requirements to support optimized processes.

(6) An updated investment strategy planned for each arsenal of the Department of the Army, including—

(A) a timeline to complete the master plan for such strategy; and

(B) a list of projects and a brief scope of work for each such project; and

(C) cost estimates necessary to complete projects for mission essential facilities.

(7) ANNUAL REPORT.—As part of the annual budget submission by the President under section 1105(a) of title 31, United States Code, for fiscal years 2023 through 2027, the Secretary of the Army shall submit to the congressional defense committees a report describing the progress made in establishing the master plan under subsection (b)(5) and implementing the investment strategy under subsection (b)(6).

SEC. 375. ANNUAL REPORT BY SECRETARY OF THE NAVY ON SHIP MAINTENANCE.

(a) In General.—Chapter 863 of title 10, United States Code, is amended by adding at the end the following:

"§ 8695. Annual report on ship maintenance

‘‘Not later than October 15 of each year, the Secretary of the Navy shall submit to the Committee on Armed Services of the House of Representatives a report setting forth the following:

Title E—Other Matters

SEC. 371. EXPIRATION OF TEMPORARY AUTHORITY TO EXTEND CONTRACTS AND LEASES UNDER THE ARMS INITIATION ACT.

Section 343 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 10 U.S.C. 7554 note) is amended by striking that is five years after the date of the enactment of this Act” and inserting “November 23, 2025.”
“(1) A description of all ship maintenance planned for the fiscal year in which the report is submitted, by hull.

“(2) The estimated cost of the maintenance described in paragraph (1).

“(3) A summary of all ship maintenance conducted by the Secretary during the previous fiscal year.

“(4) Details of any ship maintenance that was deferred during the previous fiscal year.

“(5) Details of planned ship maintenance that was cancelled during the previous fiscal year and a summary of the reasons for the decision.”.

“(b) Clerical Amendment.—The table of sections at the beginning of chapter 63 of such title is amended by adding at the end of the following new item:

“8695. Annual report on ship maintenance.”.

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, 2022, as follows:

- 1,550,000 Army.
- 346,200 Navy.
- 178,500 Marine Corps.
- 329,220 Air Force.
- 6,400 Space Force.

SEC. 402. AUTHORITY WITH RESPECT TO AUTHORIZED STRENGTHS FOR GEN- ERAL AND Flag Officers WITHIN THE ARMED FORCES FOR EMERGING REQUIREMENTS.

(a) Authority on and Before December 31, 2022.—Section 526 of title 10, United States Code, is amended—

(1) by redesignating subsection (k) as subsection (l); and

(2) by inserting after subsection (j) the following new subsection:

“(k) Transfer of Authorities Among the Military Services.—(1) The Secretary of Defense may increase the maximum number of general officers or major generals in the Army, Air Force, Marine Corps, or Space Force, or rear admirals (lower half) or rear admirals in the Navy, allowed under subsection (a) and section 525 of this title, and the President may appoint officers in the equivalent grades equal to the number increased by the Secretary of Defense if such appointment is made in conjunction with an offsetting reduction under paragraph (2).

“(2) For each increase and appointment made under the authority of paragraph (1) and the Secretary of Defense if such appointment is made in conjunction with an offsetting reduction under paragraph (2), the estimated cost of the maintenance of such individual shall be reduced by one. When such an increase and appointment is made, the Secretary of Defense shall specify the armed force in which such an increase and appointment is made.

“(3) The total number of general officers and flag officers increased under paragraph (1), combined with the total number of general officers and flag officers increased under section 526a(k)(1) of this title, may not exceed 30 at any one time.

“(d) The Secretary may not increase the maximum number of general officers or flag officers under paragraph (1) up to the date that is 30 days after the date on which the Secretary provides notice of the increase to the Committees on Armed Services of the Senate and the House of Representatives.

SEC. 403. AUTHORITY TO VARY SPACE FORCE END STRENGTH.

(a) In General.—Notwithstanding section 116(g) of title 10, United States Code, upon determination by the Secretary of the Air Force that such action would enhance manning and readiness in essential units or in critical specialties, the Secretary may vary the end strengths authorized for the fiscal year by a number equal to not more than 5 percent of such authorized end strength.

(b) Termination.—The authority provided under subsection (a) shall terminate on December 31, 2022.

SEC. 404. TEMPORARY EXEMPTION FROM END STRENGTH GRADE RESTRICTIONS FOR THE SPACE FORCE.

Sections 517 and 523 of title 10, United States Code, are further exempted by the Secretary of the Space Force until January 1, 2023.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE FORCES.

(a) In General.—The Armed Forces are authorized strengths for selected reserve personnel of the reserve components as of September 30, 2022, as follows:

- 145,000 Army National Guard.
- 189,300 Army Reserve.
- 58,600 Navy Reserve.
- 36,800 Marine Corps Reserve.
- 7,300 Air Force Reserve.
- 7,000 Coast Guard Reserve.

(b) End Strength Reduction.—The end strength prescribed by subsection (a) for the Air National Guard of the United States is exempted from any reduction required by section 411(b), the reserve components of the Army, and the Air Force until specified by the Secretary of the Air Force.

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

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2022, the following number of Reserve forces 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, or training the reserve components:

- 30,945 Army National Guard.
- 16,511 Army Reserve.
- 10,293 Navy Reserve.
- 2,386 Marine Corps Reserve.
- 25,331 Air National Guard.
- 6,003 Air Force Reserve.

SEC. 413. END STRENGTHS FOR MILITARY TECH- NICIANS (DUAL STATUS).

(a) In General.—The authorized number of military technicians (dual status) as of the last day of fiscal year 2022 for the reserve components of the Army and the Air Force authorized by section 112 of title 10, United States Code shall be the following:

- 22,294 Army National Guard.
- 4,692 Army Reserve.
- 10,994 Air National Guard.
- 7,111 Air Force Reserve.

(b) Limitation on Number of Temporary Military Technicians (Dual Status).—The number of temporary military technicians that the Secretary of Defense may authorize to perform the functions of the dual status technician authorized by section 112 of title 10, United States Code, is the following:

- 25,500 Army National Guard.
- 7,500 Army Reserve.
- 2,300 Air National Guard.
- 6,000 Air Force Reserve.

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

During fiscal year 2022, 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:

- 17,000 Army National Guard.
- 13,000 Army Reserve.
- 6,200 Navy Reserve.
- 3,000 Marine Corps Reserve.
- 16,000 Air National Guard.
- 14,000 Air Force Reserve.
Title C—Authorization of Appropriations

Sec. 421. MILITARY PERSONNEL.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2022 for the Army, Air Force, and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for military personnel, as specified in the funding tables set forth in this Act.

(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 2022.

Title V—Military Personnel Policy

Subtitle A—Officer Personnel Policy

Sec. 501. INCREASE IN AUTHORIZED LIEUTENANT COMMANDER BILLETs IN THE NAVY.

Section 656(g)(4)(B) of title 10, United States Code, is amended by striking “325” and inserting “350”.

Sec. 502. TIME IN GRADE REQUIREMENTS.

Section 619(a) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking “paragraph (4)” and inserting “paragraph (5)”; and

(2) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(3) in subsection (3) the following new paragraph:

“(4) The Selective Service System shall conduct exercises periodically of all mobilization plans, systems, and processes. Once every 4 years, the exercise shall include the full spectrum of training and exercises designed to meet the diverse mobilization needs of the Armed Forces and other activities and agencies of the Department of Defense, including the United States Coast Guard, and to ensure that the military departments achieve and maintain a military force that is ready to meet the diverse mobilization needs of the United States. The Selective Service System shall conduct such exercises under the direction of the Secretary of Defense, and each exercise shall include the full spectrum of training and exercises designed to meet the diverse mobilization needs of the Armed Forces and other activities and agencies of the Department of Defense, including the United States Coast Guard, and to ensure that the military departments achieve and maintain a military force that is ready to meet the diverse mobilization needs of the United States.”

Sec. 506. TECHNICAL AND CONFORMING AMENDMENTS.

(a) In section 10208 of title 10, United States Code, the Selective Service System shall conduct exercises periodically of all mobilization plans, systems, and processes to evaluate and test the effectiveness of such plans, systems, and processes. Once every 4 years, the exercise shall include the full range of internal and interagency procedures to ensure functionality and interoperability and may take place as part of the Department of Defense mobilization exercise under section 107 of title 10, United States Code. The Selective Service System shall conduct a public awareness campaign in conjunction with each exercise to communicate the purpose of the exercise and the results of the exercise to the public. The Selective Service System shall ensure that its public awareness campaign is consistent with the Department of Defense mobilization exercise public awareness campaign. The Selective Service System shall conduct exercises periodically of all mobilization plans, systems, and processes to evaluate and test the effectiveness of such plans, systems, and processes. Once every 4 years, the exercise shall include the full range of internal and interagency procedures to ensure functionality and interoperability and may take place as part of the Department of Defense mobilization exercise under section 107 of title 10, United States Code. The Selective Service System shall conduct a public awareness campaign in conjunction with each exercise to communicate the purpose of the exercise and the results of the exercise to the public. The Selective Service System shall ensure that its public awareness campaign is consistent with the Department of Defense mobilization exercise public awareness campaign.

(b) In subsection (b) (50 U.S.C. 3809(b)(3)) is amended by adding at the end the following new paragraph:

“(5) The Selective Service System shall conduct exercises periodically of all mobilization plans, systems, and processes to evaluate and test the effectiveness of such plans, systems, and processes. Once every 4 years, the exercise shall include the full range of internal and interagency procedures to ensure functionality and interoperability and may take place as part of the Department of Defense mobilization exercise under section 107 of title 10, United States Code. The Selective Service System shall conduct a public awareness campaign in conjunction with each exercise to communicate the purpose of the exercise and the results of the exercise to the public. The Selective Service System shall ensure that its public awareness campaign is consistent with the Department of Defense mobilization exercise public awareness campaign.”

Sec. 512. REPORT ON EXEMPTIONS AND DEFERMENTS FOR A POSSIBLE MILITARY DRAFT.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report providing a review of the effectiveness of the Selective Service System in implementing the exemptions and deferments for a possible military draft.
of exemptions and deferments from registration, training, and service under the Military Selective Service Act (50 U.S.C. 3801 et seq.) and of proposed revisions to those exemptions and deferments taking into account amendments to the Military Selective Service Act under section 511(a) of this Act to require registration of all United States citizens and persons residing in the United States.

SEC. 513. REPORT ON PROCESSES AND PROCEDURES FOR APPEAL OF DENIAL OF STATUS OR BENEFITS FOR FAILURE TO REGISTER FOR SELECTIVE SERVICE.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of the Selective Service System shall submit to the appropriate committees of Congress a report setting forth the results of a review of the processes and procedures employed by agencies across the Federal Government for appeal by individuals of a denial of status or benefits under Federal law for failure to register for selective service under the Military Selective Service Act (50 U.S.C. 3801 et seq.).

(b) CONSULTATION.—The Director of the Selective Service System shall carry out this section in consultation with the Secretary of Homeland Security, the Secretary of Education, the Director of the Office of Personnel Management, and the heads of other appropriate Federal agencies.

(c) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description and assessment of the various appeals processes and procedures described in subsection (a), including—

(A) a description of such processes and procedures; and

(B) an assessment of—

(i) the adequacy of notice provided for appeals under such processes and procedures;

(ii) the fairness of each such process and procedure;

(iii) the ease of use of each such process and procedure;

(iv) consistency in the application of such processes and procedures across the Federal Government; and

(v) the applicability of an appeal granted by one Federal agency under such processes and procedures to the actions and decisions of another Federal agency on a similar appeal.

(2) Information on the number of waivers requested, and the number of waivers granted, during the 15-year period ending on the date of the enactment of this Act in connection with denial of status or benefits for failure to register for selective service.

(3) An analysis and assessment of the recommendations of the National Commission on Military, National, and Public Service for reforming the rules and policies concerning the Selective Service Act (50 U.S.C. 3801 et seq.), and submit to Congress a report on the results of this exercise. The report may be submitted in classified form.

SEC. 514. RESPONSIBILITIES FOR NATIONAL MOBILIZATION; PERSONNEL REQUIREMENTS.

(a) EXECUTIVE AGENT FOR NATIONAL MOBILIZATION.—The Secretary of Defense shall designate a senior civilian official within the Office of the Secretary of Defense as the Executive Agent for National Mobilization. The Executive Agent for National Mobilization shall be responsible for—

(1) developing, managing, and coordinating policy and strategy in the full spectrum of military mobilization readiness, including full mobilization of personnel from volunteers to other persons inducted into the Armed Forces, under the Military Selective Service Act (50 U.S.C. 3801 et seq.),

(2) providing Congress and the Selective Service System with updated requirements and timetables that address the needs in the event of a national emergency requiring mass mobilization and induction of personnel under the Military Selective Service Act for training and service in the Armed Forces; and

(3) providing Congress with a plan, developed in coordination with the Selective Service System, for large numbers of volunteers who may respond to a national call for volunteers during an emergency.

(b) REPORT REQUIRED.—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 and the House of Representatives a report detailing the results of the assessment required by subsection (a), together with recommendations for statutory or regulatory changes the Secretary concerned determines appropriate.

(c) COMPTROLLER GENERAL REPORT.—Not later than 180 days after receiving the report submitted under subsection (b), the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report comparing the military service assessments on racial disparity to existing reports assessing racial disparity in civilian criminal justice systems in the United States.

(d) DEFINITIONS.—In this section:

(1) MILITARY JUSTICE; DISCIPLINE PROCESSES.—The terms “military justice” and “discipline processes” refer to all facets of the military justice system, including investigations, the use of administrative separations and other administrative sanctions, disciplinary punishment, pre-trial confinement, the use of solitary confinement, dispositions of courts-martial, sentencing, and post-trial processes.

(2) MINORITY POPULATIONS.—The term “minority populations” includes access rates and policies, retention rates and policies, promotion rates, assignments, professional development, selection and promotion, and career opportunity for minority members of the Armed Forces.

(3) MINORITY POPULATIONS.—The term “minority populations” includes Hispanic, Asian/Pacific Islander, American Indian, and Alaska Native populations.

SEC. 519. APPEALS TO PHYSICAL EVALUATION BOARDS DETERMINATIONS OF FITNESS FOR DUTY.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall incorporate a formal appeals process into the policies and procedures applicable to the implementation of the Integrated Disability Evaluation System of the Department of Defense. The appeals process shall include the following:

(1) The Secretary concerned shall ensure that a member of the Armed Forces may submit a formal appeal made with respect to determinations of fitness for duty to a Physical Evaluation Board of such Secretary. The appeals process shall also include a right of appeal to the Secretary concerned at the request of such member, an impartial hearing on a fitness for duty determination to be conducted by the Secretary concerned.

Such member shall be represented at a hearing by legal counsel.

SEC. 520. EXTENSION OF PAID PARENTAL LEAVE.

(a) IN GENERAL.—Section 701 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(i) The placement of a minor child with a member and in order to care for such child.

(ii) The placement of a minor child with a member of the armed forces described in paragraph (2) is allowed up to a total of 12 weeks of parental leave during any period at the end inserting the following:

“(i) The birth or adoption of a child of the member and in order to care for such child.

“(ii) The placement of a minor child with the member for adoption or foster care.”;

and

(b) by striking paragraph (B) and inserting the following:

“(B) The Secretary concerned, under uniform regulations to be prescribed by the
Secretary of Defense, may authorize leave described under subparagraph (A) to be taken after the one-year period described in such paragraph in the case of a member described in subparagraph (B) who, except for the making of such leave, would lose unused parental leave at the end of the nine-month period described in subparagraph (A) as a result of—

(1) a member's death;

(2) an injury or illness of the member;

(3) a member's separation from the armed forces;

(4) a member's discharge from the armed forces;

(5) a successor as determined by the Secretary of Defense.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 180 days after the date of the enactment of this Act.

Subtitle C.—Prevention and Response to Sexual Assault, Harassment, and Related Misconduct, and Other Military Justice Matters

SEC. 521. DOD SAFE HELPLINE AUTHORIZATION TO PERFORM INTAKE OF OFFICIAL RESTRICTED AND UNRESTRICTED REPORTS FOR ELIGIBLE ADULT SEXUAL ASSAULT VICTIMS.

Section 584 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 10 U.S.C. 1561 note) is amended—

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

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

(4) AUTHORIZATIONS FOR DOD SAFE HELPLINE.—

(D) IN GENERAL.—The Secretary of Defense is authorized to provide crisis intervention and support and to perform the intake of official reports of sexual assault from eligible adult sexual assault victims who contact DoD Safe Helpline or other reports as directed by the Secretary of Defense.

(E) PROVIDING SUPPORT AND RECEIVING OFFICIAL REPORTS.—DoD Safe Helpline (or any successor service to DoD Safe Helpline, if any, as identified by the Secretary of Defense) is authorized to provide crisis intervention and support and to perform the intake of official reports of sexual assault from eligible adult sexual assault victims who contact DoD Safe Helpline or other reports as directed by the Secretary of Defense.

(F) E LIGIBILITY AND PROCEDURES.—The Secretary of Defense shall require the Secretaries of the military departments and the military commands to develop a comprehensive plan to ensure that all eligible adult sexual assault victims are provided with crisis intervention and support and to perform the intake of official reports of sexual assault from eligible adult sexual assault victims who contact DoD Safe Helpline or other reports as directed by the Secretary of Defense.

(G) E LIGIBILITY AND PROCEDURES.—The Secretary of Defense shall require the Secretaries of the military departments and the military commands to develop a comprehensive plan to ensure that all eligible adult sexual assault victims are provided with crisis intervention and support and to perform the intake of official reports of sexual assault from eligible adult sexual assault victims who contact DoD Safe Helpline or other reports as directed by the Secretary of Defense.

(H) DATA SURVEY.—The assessment shall leverage command climate surveys, interviews, focus groups, independent research and best practices, and other means as determined by the Secretary of Defense.

(I) USE OF RESULTS.—The results of the assessment shall be used to inform best practices in supporting a climate that supports prevention programs and survivors at military installations. The best practices shall be shared throughout the Department of Defense, including with the installations included in the assessment, and in a publicly available report.

(J) COMPLETIONS AND REPORTING.—The assessment under this section shall be completed not later than 18 months after the date of the enactment of this Act.

(K) POLICY FOR ENSURING THE ANNUAL REPORT REGARDING SEXUAL ASSAULTS INVOLVING MEMBERS OF THE ARMED FORCES INCLUDES INFORMATION ON RACE AND ETHNICITY OF VICTIMS.

The Secretary of Defense shall prescribe policy requiring information on the race and ethnicity of victims and individuals to be included to the maximum extent practicable in the annual report required under section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 10 U.S.C. 1561 note). The policy may provide for the exclusion of such information based on privacy concerns, impact on the military justice system, and other matters of importance as determined and identified in such policy by the Secretary of Defense.
SEC. 524. DEPARTMENT OF DEFENSE TRACKING OF ALLEGATIONS OF RETALIATION BY VICTIMS OF SEXUAL ASSAULT OR SEXUAL HARASSMENT AND RELATED PERSONS.

(a) In General.—Chapter 80 of title 10, United States Code, is amended by inserting after section 1562 the following new section: “§ 1562a. Complaints of retaliation by victims of sexual assault or sexual harassment and related persons: tracking by Department of Defense

“(a) DESIGNATION OF RESPONSIBLE COMPONENT.—The Secretary of Defense shall designate an official of the Office of the Secretary of Defense to be responsible for documenting and tracking all covered allegations of retaliation and shall ensure that the Secretary and the Inspector General of the Department of Defense provide to such component the information required to be documented and tracked as described in subsection (b).

“(b) TRACKING OF ALLEGATIONS.—The head of the component designated by the Secretary under subsection (a) shall document and track each covered allegation of retaliation, including—

“(1) that such an allegation has been reported to or investigated or inquired into by—

“(A) the Department of Defense; and

“(B) any other inspector general;

“(2) the date of the report;

“(3) the nature of the allegation and the name of the person or persons alleged to have retaliated;

“(4) the Department of Defense component or other entity responsible for the investigation or inquiry into the allegation;

“(5) the entry of findings;

“(6) referral of such findings to a decision-maker for review and action, as appropriate;

“(7) the outcome of final action; and

“(8) any other element of information pertaining to the allegation determined appropriate by the Secretary or the head of the component designated by the Secretary;

“(c) COVERED ALLEGATION OF RETALIATION DEFINED.—In this section, the term ‘covered allegation of retaliation’ means an allegation of retaliation—

“(1) made by—

“(A) an alleged victim of sexual assault or sexual harassment;

“(B) an individual charged with providing services or support to an alleged victim of sexual assault or sexual harassment;

“(C) a whistleblower regarding an alleged sexual assault or sexual harassment; or

“(D) any other person associated with an alleged victim of a sexual assault or sexual harassment;

“(2) without regard to whether the allegation is reported to or investigated or inquired into by—

“(A) the Department of Defense Inspector General or any other inspector general;

“(B) a military criminal investigative organization;

“(C) the commander or other person at the direction of the commander;

“(D) another military or civilian law enforcement organization; or

“(E) any other organization, officer, or employee of the Department of Defense.

“(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 80 of title 10, United States Code, is amended by inserting after the item relating to section 1562 the following new item: “1562a. Complaints of retaliation by victims of sexual assault or sexual harassment and related persons: tracking by Department of Defense.”

SEC. 525. SPECIAL VICTIM’S COUNSEL REPRESENTATION OF VICTIM'S RIGHTS IN SEX-RELATED OFFENSES.

Section 1086a of title 10, United States Code, is amended by adding at the end the following new subparagraph:

“(D) A civilian who is a victim of an alleged sex-related offense, if the alleged perpetrator was subject to the jurisdiction of the Uniform Code of Military Justice at the time of the offense, whether adjudicated, assessed, absent without leave, or duty status–whereabouts unknown. The protocol shall provide for an immediate entry regarding the service member concerned in the National File of the National Crimes Information Center data and for the commander to immediately notify all local law enforcement agencies with jurisdiction in the immediate area of the military installation, when the status of a service member assigned to such installation has been determined to be missing, absent without leave, or duty status–whereabouts unknown.

(2) REPORTING TO MILITARY INSTALLATION COMMAND.—The commander of each military installation shall submit the protocol established pursuant to paragraph (1) to the Secretary of the military department concerned.

SEC. 529. CONDUCT UNBECOMING AN OFFICER.

(a) IN GENERAL.—Chapter 80 of title 10, United States Code (article 133 of the Uniform Code of Military Justice) is amended—

“(1) in the section heading, by striking ‘and a gentleman’; and

“(2) by striking ‘and a gentleman’.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 47 of such title is amended in the section heading, by striking ‘and a gentleman’.

SEC. 529A. SEXUAL ASSAULT RESPONSE COORDINATOR MILITARY OCCUPATIONAL SPECIALTY.

(a) IN GENERAL.—Not later than 180 days after the enactment of this Act, the Secretary of Defense shall conduct statistical analysis of information on punishments imposed under section 815 of title 10, United States Code (article 15 of the Uniform Code of Military Justice).

(b) SCOPE.—The information analyzed under subsection (a) shall include the following:

“(1) The race, ethnicity, gender, rank, and grade of—

“(A) members of the armed forces punished under section 815 of title 10, United States Code (article 15 of the Uniform Code of Military Justice);

“(B) commanders who imposed such punishment; and

“(C) victims of the conduct for which such punishment was imposed.

(2) For punishments imposed under such section (article), the Secretary shall—

“(A) analyze the offenses under this chapter for which such punishment was imposed; and

“(B) analyze investigations conducted before the imposition of punishment.

SEC. 529B. SEXUAL ASSAULT RESPONSE COORDINATOR MILITARY OCCUPATIONAL SPECIALTY.

(a) IN GENERAL.—Not later than 180 days after the enactment of this Act, the Secretary of Defense shall conduct statistical analysis of information on punishments imposed under section 815 of title 10, United States Code (article 15 of the Uniform Code of Military Justice).

(b) SCOPE.—The information analyzed under subsection (a) shall include the following elements:

“(1) A recommendation on the required rank and experience of a SARC MOS.

“(2) Recommendations for strengthening recruitment and retention of members of the Armed Forces of the required rank and experience identified under paragraph (1), including—

“(A) designating SARC as a secondary MOS instead of a primary MOS;

“(B) providing initial or recurrent bonuses or duty stations of choice to service members who qualify for the specialty;

“(C) limiting the amount of time that a service member who has qualified for the
SARC MOS can serve as a SARC in a given period of time; or
(D) requiring evaluations for service members who have qualified for the SARC MOS and are in the transition management of the existing SARC program, including recruitment and retention.
(5) An analysis of the requirements for a SARC personnel system.
(6) A plan to execute a SARC MOS within two years.
(7) Analysis of the cost of a SARC MOS program.
(8) Any other matter the Secretary of Defense considers relevant for inclusion.
(c) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall provide the congressional defense committees a briefing on the report and the transition to codify and implement the new SARC program.
SEC. 500B. IMPLEMENTATION OF RECOMMENDATIONS OF THE INDEPENDENT REVIEW COMMISSION ON SEXUAL ASSAULT IN THE MILITARY.
(a) IRC REPORT DEFINED.—In this section, the term ‘‘IRC report’’ means the 2021 report entitled ‘‘The Independent Review Commission on Sexual Assault in the Military’’.
(b) LINE OF EFFORT 2.—The Secretary of Defense shall implement the following recommendations included in Line of Effort 2: Prevention of section III of the IRC report:
(1) Equip all leaders with prevention competencies and evaluate their performance.
(2) a The Under Secretary of Defense for Personnel and Readiness (USD(P&R)) should define the competencies leaders must have to oversee prevention.
(b) USD(P&R) should identify a non-DoD-approved IRC recommendations.
(c) The Services and the NGB should equip all leaders to develop and deliver informed prevention messages in formal and informal settings.
(1) The Services should develop a dedicated primary prevention workforce.
(2) a USD(P&R) should develop a model for a dedicated and capable prevention workforce.
(3) b USD(P&R) should develop a professional credential for the prevention workforce.
(4) The Services should determine the optimum full-time prevention workforce, and equip all echelons of active duty, reserve, and guard organizations.
(5) The Services should develop a community-level prevention strategies unique to Service members’ environments.
(a) a The Services and the NGB should resource and implement prevention strategies that address sexual assault and harassment.
(b) USD(P&R) should identify a non-clinical OSD-level Office of Primary Responsibility for alcohol policy and develop relevant policy guidance and oversight.
(2) Modernize prevention education and skill-building to reflect today’s generation of Service members.
(3) Identify and actively support Service members with the most effective prevention interventions.
(4) The Services and the NGB should institute a pilot program to link Service members with resources and support.
(b) 2.5 b The Services and the NGB should employ virtual platforms to provide support to all Service members.
(6) A DoD should establish a dedicated research center for the primary prevention of interpersonal and self-directed violence.
(b) A DoD fielded by USD(P&R), the Services, and the NGB should continually review and update all policies that unnecessarily restrict data collection on important populations of Service members.
(C) The Secretary of Defense should immediately authorize the development of the Air Force Pre-Accession Sample Assessment with a cross-Service pre-accession sample, allowing for important research and intervention development.
(D) The USD(P&R) should commission research on gender and masculinities to develop effective social marketing strategies to facilitate primary prevention efforts.
(7) Establish a comprehensive National Guard primary prevention strategy.
(a) The NGB should develop Army National and Air National Guard prevention strategies aligned with DoD’s Prevention Plan of Action, based on the National Guard’s unique construct and missions.
(b) 2.7 b USD(P&R) should submit a legislative proposal authorizing and funding for the NGB to conduct recurring National Guard unit inspections and staff assistance visits for prevention oversight and assistance.
(8) A DoD should update the Department’s prevention strategy, including the DoD Prevention Plan of Action, to incorporate approved IRC recommendations.
(C) LINE OF EFFORT 3.—The Secretary of Defense shall implement the following recommendations included in Line of Effort 3: Climate and Culture of section III of the IRC report:
(1) a USD(P&R) should codify in policy and direct the development and implementation of metrics related to sexual harassment and sexual assault as part of readiness tracking and reporting.
(2) 3.2 USD(P&R) should direct the Services to educate the force about sexual harassment and sexual assault within the context of the Service’s core values.
(3) DoD must execute on the principle that addressing sexual harassment and sexual assault in the 21st century requires engaging with the community.
(a) 3.3 a Collect data to measure the problem of cyberharassment and related harms.
(b) b Educate leaders on cyberharassment and technology-facilitated sexual harassment and sexual assault.
(c) c Hold Service members appropriately accountable who engage in cyberharassment and technology-facilitated sexual harassment and sexual assault.
(4) 3.3 DoD should implement the following recommendations included in Line of Effort 4: Victim Care and Support of section III of the IRC report:
(1) 4.1 a Move SARCs and SAPR VAs from the command and reporting structure.
(b) 4.1 b Eliminate collateral duty for SARCs and SAPR VAs, with exceptions for ships, submarines, and isolated installations.
(c) 4.1 c Explore the expansion of the DoD’s programs to SHARP with other special victim services, such as FAP, to improve coordination, collaboration, and consistency in victim support.
(d) 4.1 d Train Independent Duty Corpsmen to Sexual Assault Medical Forensic Examiners so patient care and evidence collection can be provided in deployed and isolated environments.
(2) Expand victim service options to meet the needs of all survivors of sexual assault and sexual harassment.
(a) 4.2 a Increase access to and visibility of civilian community-based care.
(b) 4.2 b Authorize Service members to access the full spectrum of VA services for conditions related to military sexual assault and sexual harassment confidentially, and without a referral.
(c) 4.2 c Allow Service members to self-access to CATCH to include victims of sexual harassment and VA-verified Service members to self-access to CATCH.
(d) 4.2 d Create survivor-lead peer support programs that allow for in-person, virtual, and telephone interaction.
(3) 4.2 e Amplify victim’s rights and services in the post-trial period.
(4) 4.3 Center the survivor to facilitate healing and restoration.
(A) 4.3.a Implement the No Wrong Door approach to sexual harassment, sexual assault, and domestic abuse across the Services and NGOs.

(B) 4.3.b Institute a “Commander’s Package” from the SAPR VA with recommendations for victim care and support.

(C) 4.3.c Allow survivors flexibility to take non-chargeable time for services or time for recovery from sexual assault.

(D) 4.3.d Increase victim agency and control of the response process by: maximizing adherence to preference on reporting status, and centering survivor preferences in expedited transfers.

(E) 4.3.e Study the methods our allies have used to improve services, including restorative engagement to acknowledge harm, and potential victim compensation.

(4) 4.4 Re-envision training and research to improve victim care and support.

(A) 4.4.a Establish a Defense Sexual Assault and Sexual Harassment Center of Excellence that administers a core curriculum of trauma and response trainings for all SAPR VAs and SARC s, chaplains, and other response personnel.

(B) 4.4.b Develop training to build the capacity of SAPR VAs and SARC s to provide culturally competent care to Service members from communities of color, LGBTQ+ Service members, religious minorities, and men.

(C) 4.4.c Revise and update training modules on appropriate response to sexual assault and sexual harassment in PME for officers and NCOs.

(D) 4.4.d Use an action research model to identify root problems, test interventions, and create best practices with survivors’ input.

Subtitle D—Military Justice Reform and Sexual Assault Prevention

PART I—MILITARY JUSTICE MATTERS

SEC. 531. SPECIAL VICTIM PROSECUTORS.

(a) In General.—Subchapter V of chapter 47 of title 10, United States Code, is amended by inserting after section 824 (article 24 of the Uniform Code of Military Justice) the following new section:

"§ 824a. Art 24a. Special victim prosecutors

(1) DETAIL OF SPECIAL VICTIM PROSECUTORS AND ASSISTANT SPECIAL VICTIM PROSECUTORS.—Each Secretary concerned shall detail commissioned officers to serve as special victim prosecutors and assistant special victim prosecutors.

(2) QUALIFICATIONS.—A special victim prosecutor or assistant special victim prosecutor shall be a commissioned officer who—

(A) is a member of the bar of a Federal court or a member of the bar of the highest court of a State; and

(B) is certified to be qualified, by reason of education, training, experience, and temperament, for duty as a special victim prosecutor or assistant special victim prosecutor by the General of the armed force of which the officer is a member.

(3) DUTIES AND AUTHORITIES.—

(A) In General.—Special victim prosecutors and assistant special victim prosecutors shall carry out the duties described in this chapter (the Uniform Code of Military Justice) and any other duties prescribed by the Secretary of Defense, in consultation with the Secretary of Homeland Security (with respect to the Coast Guard when it is not operating as a service in the Navy), by regulation.

(B) DETERMINATION OF SPECIAL VICTIM OFFENSE RELATED CHARGES.—

(A) AUTHORITY.—A special victim prosecutor shall have authority to determine if a reported offense is a special victim offense and shall exercise authority over any such offense in accordance with this chapter (the Uniform Code of Military Justice).

(B) RELATED OFFENSES.—If a special victim prosecutor determines that a reported offense is a special victim offense, the special victim prosecutor may also exercise authority over any offense that the special victim prosecutor determines to be related to the special victim offense and any other offense alleged to have been committed by a person alleged to have committed the special victim offense.

(3) DISMISSAL; REFERRAL; PLEA BARGAINS.—Subject to paragraph (4), with respect to charges and specifications alleging unlawful or unauthorized influence or control, if a special victim prosecutor exercises authority over an offense and elects not to prefer charges and specifications for such offense or, with respect to charges and specifications for such offense preferred by a person other than a special victim prosecutor, elects not to prefer such charges and specifications, a convening authority may exercise any authority under this chapter (the Uniform Code of Military Justice) with respect to such offense, except that the convening authority may not order a rehearing.

(4) DEFERRAL TO CONVENING AUTHORITY.—If a special victim prosecutor exercises authority over an offense and elects not to prefer charges and specifications for such offense, the convening authority may defer the prosecution of such offense to a convening authority under this chapter (the Uniform Code of Military Justice) with respect to such offense.

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections at the beginning of subchapter V of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by inserting after the item relating to section 824 (article 24) the following new item:

"§ 824a. Art 24a. Special victim prosecutors."

SEC. 532. POLICIES WITH RESPECT TO SPECIAL VICTIM PROSECUTORS.

(a) In General.—Chapter 53 of title 10, United States Code, is amended by inserting after section 824a (article 24a of the Uniform Code of Military Justice) the following new section:

"§ 1044f. Policies with respect to special victim prosecutors

(1) POLICIES REQUIRED.—The Secretary of Defense shall establish policies with respect to the appropriate mechanisms and procedures that the Secretaries of the military departments shall establish and carry out relating to the activities of special victim prosecutors and the authorities established for the Secretaries to fully implement such mechanisms and procedures. The policies shall include the following:

(A) Authorization to establish a dedicated office in the Secretariat of each military department from which office the activities of the special victim prosecutors of the military department concerned shall be supervised and overseen.

(B) Direct each Secretary of a military department to appoint one lead special victim prosecutor for the service under the authority, direction, and control of the Secretary concerned, which lead special prosecutor shall be a judge advocate of that service with no less than 6 years of significant experience in military justice, who shall be responsible for the overall supervision and oversight of the activities of the special victim prosecutors of that service.

(2) Direct each Secretary of a military department to designate one of the lead special victim prosecutors appointed pursuant to paragraph (1) to the lead special victim prosecutors and other personnel assigned or detailed to the office, and the special victim prosecutors of the military services concerned—

(A) are independent of the military chains of command of both the victims and those accused of the offenses, including other offenses over which a special victim prosecutor at any time exercises authority in accordance with section 824a of this title (article 24a of the Uniform Code of Military Justice); and

(B) conduct assigned activities free from unlawful or unauthorized influence or coercion.

(3) Provide that special victim prosecutors and assistant special victim prosecutors shall be well-trained, experienced, highly competent in handling special victim cases.

(4) Provide that commanders of the victim and the accused in a special victim case shall have the opportunity to provide their candid input to the special victim prosecutor regarding case disposition, but that the input is not binding on the special victim prosecutor.

(b) UNIFORMITY.—The Secretary of Defense shall ensure that any lack of uniformity in the implementation of policies, mechanisms, and procedures established under subsection (a) does not render unconstitutional any such policy, mechanism, or procedure.

(c) REPORT.—Not later than 270 days after the date of the enactment of this section, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report setting forth the policies proposed to be established pursuant to subsection (a) and the expected roadmap and milestones for the implementation of such policies and the mechanisms and procedures to which they apply and are implemented and operational.

(d) QUARTERLY BRIEFING.—Not later than January 1, 2023, and at the beginning of each fiscal quarter thereafter until the policies established pursuant to subsection (a) and the mechanisms and procedures to which they apply are fully implemented and operational, the Secretary of Defense and the Secretaries of the military departments shall jointly provide to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a briefing describing the actions taken and progress made by the Office of the Secretary of Defense and each of the military departments in meeting the milestones established as required by subsection (a).

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 53 of title 10, United States Code, is amended by inserting after the item relating to section 1044e the following new item:

"§ 1044f. Department of Defense policies with respect to special victim prosecutors."

SEC. 533. DEFINITION OF MILITARY MAGISTRATE, SPECIAL VICTIM PROSECUTOR, AND SPECIAL VICTIM PROSECUTOR.
“(1) The term ‘military magistrate’ means a commissioned officer certified for duty as a military magistrate in accordance with section 862c of this title (article 128b of the Uniform Code of Military Justice).”;

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

“(2) A commanding officer shall not be considered an accused solely due to the role of the commanding officer in convening a general court-martial to which charges and specifications were referred by a special victim prosecutor in accordance with this chapter (the Uniform Code of Military Justice).”;

(b) SPECIAL COURTS-MARTIAL.—Section 822(b) of title 10, United States Code (article 130 of the Uniform Code of Military Justice), is amended—

(1) by striking “If any” and inserting “(1) If any”; and

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

“(2) A commanding officer shall not be considered an accused solely due to the role of the commanding officer in convening a special court-martial to which charges and specifications were referred by a special victim prosecutor in accordance with this chapter (the Uniform Code of Military Justice).”;

SEC. 534. CLARIFICATION OF APPLICABILITY OF DOMESTIC VIOLENCE AND STALKING TO DATING PARTNERS.

(a) ARTICLE 128B: DOMESTIC VIOLENCE.—Section 828(b) of title 10, United States Code (article 128b of the Uniform Code of Military Justice), is amended—

(1) in the matter preceding paragraph (1), by striking “Any person” and inserting “(a) In General.—Any person”;

(2) in subsection (a), as designated by paragraph (1) of this subsection, by inserting “a dating partner,” after “an intimate partner,” each place it appears; and

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

“(b) DEFINITIONS.—In this section (article), the terms ‘dating partner’, ‘immediate family’, and ‘intimate partner’ have the meaning given such terms in section 930 of this title (article 134 of the Uniform Code of Military Justice).”;

(b) ARTICLE 130: STALKING.—Section 930 of such title (article 130 of the Uniform Code of Military Justice) is amended—

(1) by striking “or to his or her intimate partner” each place it appears and inserting “to his or her intimate partner, or to his or her dating partner”; and

(2) by adding in subsection (a) of such section, as redesignated by paragraph (1) of this subsection, the following:

“(A) The accused knowingly made sexual advances, demands, or requests for sexual favors, or engaged in other conduct of a sexual nature.

(B) That such conduct was unwelcome.

(C) That under the circumstances, such conduct—

(i) would cause a reasonable person to believe, and a certain person does believe that submission to such conduct would be made, either explicit or implicit, either entirely or partially, voluntarily or involuntarily, and a reasonable person would believe, and a certain person does believe, that a reasonable person would perceive, and a certain person does perceive, an intimidating, hostile, or offensive duty or working environment.

(D) That under the circumstances, the conduct of the accused was either—

(i) to the prejudice of good order and discipline in the Armed Forces; or

(ii) of a nature to bring discredit upon the Armed Forces.

(2) SCOPE OF CONDUCT CONSIDERED SEXUAL IN NATURE.—Whether other conduct is ‘of a sexual nature’ shall be dependent upon the circumstances of the act or acts alleged and may include conduct that, without context, would not appear to be sexual in nature.

(3) NATURE OF CONDUCT.—When purposes of paragraph (1)(C), a ‘certain person’ extends to any person, regardless of gender or seniority, or whether subject to the Uniform Code of Military Justice, or on or off duty at the time of the conduct, or any military-related reason may work or associate with the accused.

(4) CONSIDERATION OF DETERMINATION.—The act constituting sexual harassment may occur at any location, regardless of whether the victim or accused is on or off duty at the time the act occurred and the act of sexual intimacy is not required, and the acts may be committed through online or other electronic means.

(5) MENS REA.—The accused must have actual knowledge that the accused is making sexual advances, demands or requests for sexual favors, or engaging in other conduct of a sexual nature. Actual knowledge is not required for the other elements of the offense.

SEC. 537. DETERMINATION OF IMPRACTICABILITY OF REHEARING.

(a) TRANSMITTAL AND REVIEW OF RECORDS.—Section 865(e)(3)(B) of title 10, United States Code (article 66(f)(3)(B) of the Uniform Code of Military Justice), is amended—

(1) by striking “impractical” and inserting “impracticable”; and

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

“(ii) Cases referred by special victim prosecutor.—If a case was referred to trial by a special victim prosecutor, a special victim prosecutor shall determine if a rehearing is impracticable and shall dismiss the charges if the special victim prosecutor so determines.”.

(b) COURTS OF CRIMINAL APPEALS.—Section 867(e)(1)(C) of title 10, United States Code (article 66(f)(1)(C) of the Uniform Code of Military Justice), is amended—

(1) by striking “impractical”—

(2) by striking “impracticability” and inserting “impracticable”; and

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

“(ii) Cases referred by special victim prosecutor.—If a case was referred to trial by a special victim prosecutor, a special victim prosecutor shall determine if a rehearing is impracticable and shall dismiss the charges if the special victim prosecutor so determines.”

(c) REVIEW BY THE COURT OF APPEALS FOR THE ARMED FORCES.—Section 867(e) of title 10, United States Code (article 867(e) of the Uniform Code of Military Justice), is amended—

(1) by striking “impracticable” and inserting “impracticable”;

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

“(ii) If a case was referred to trial by a special victim prosecutor, a special victim prosecutor shall determine if a rehearing is impracticable and shall dismiss the charges if the special victim prosecutor so determines.”.

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SEC. 3. AUTHORITY TO ENTER INTO AGREEMENTS.—Subsection (a) of section 833a of
title 10, United States Code (article 53a of the Uniform Code of Military Justice), is amended—

(1) in paragraph (1), by striking “At any time before referral” and inserting “Subject to paragraph (3), at any time”; and

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

“(3) With respect to charges and specifications referred to court-martial by a special victim prosecutor, a plea agreement under this section may only be entered into between the convening authority and the accused. Such agreement shall be subject to the same limitations and conditions applicable to other plea agreements under this section (article).”

(b) BINDING EFFECT.—Subsection (d) of such section (article) is amended by adding the following: “Subject to subsection (c), before referral’’ and inserting “Subject to subsection (c), before referral’’

SEC. 539. OPPORTUNITY TO OBTAIN WITNESS AND OTHER EVIDENCE IN TRIALS BY COURT-MARTIAL.

Subsection (d)(2) of title 10, United States Code (article 46(d)(2) of the Uniform Code of Military Justice), is amended—

(1) by striking “if a general court-martial” and inserting the following: “only if—

(A) a general court-martial;”;

(2) by paragraph (A), as designated by paragraph (1) of this section, by striking “a subpoena or a military judge” and inserting the following: “a subpoena;”;

(3) in subparagraph (B), as designated by paragraph (2), by striking the period at the end and inserting a semicolon; and

(4) by inserting at the end the following new subparagraphs:—

“(C) there is sufficient admissible evidence to obtain a conviction on the charged offense; or

“(D) the military counsel detailed to the accused offense over which a special victim prosecutor exercises authority in accordance with section 824a of this title (article 824a of the Uniform Code of Military Justice) issues such a subpoena.”

SEC. 540. FORMER JEOPARDY.

Section 834 of title 10, United States Code (article 46(c) of the Uniform Code of Military Justice), is amended—

(1) in paragraph (1) in the matter following subparagraph (B), by inserting “or the special victim prosecutor” after “the convening authority”; and

(2) in paragraph (2) in the matter following subparagraph (B), by inserting “or the special victim prosecutor” after “the convening authority”.

SEC. 541. ADVICE TO CONVENING AUTHORITY BEFORE REFERRAL FOR TRIAL.

Section 834 of title 10, United States Code (article 34 of the Uniform Code of Military Justice) is amended—

(1) in subsection (a)(1)—

(A) by striking “Before referral” and inserting “Subject to subsection (c), before referral”;

(B) by redesigning subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following new subparagraph:

“‘(C) there is sufficient admissible evidence to obtain and sustain a conviction on the charged offense.”

(2) in subsection (b), by striking “Before referral” and inserting “Subject to subsection (c), before referral”;

(3) by redesigning subsections (c) and (d), as subsections (c) and (d), respectively; and

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

“(c) SPECIAL VICTIM OFFENSES.—A referral to a general or special court-martial for trial of charges and specifications over which a special victim prosecutor exercises authority may only be made—

“(1) by a special victim prosecutor, subject to a special victim prosecutor’s written determination accompanying the referral that—

“(A) each specification under a charge alleges an offense under this chapter;

“(B) there is probable cause to believe that the accused committed the offense charged; and

“(C) there is sufficient admissible evidence to obtain a conviction on the charged offense; or

“(2) in the case of charges and specifications that do not allege a special victim offense, and a special victim prosecutor declines to prefer or, in the case of charges and specifications preferred by a person other than a special victim prosecutor, refer charges, by the convening authority in accordance with this section.”; and

(5) in subsection (e), as redesignated by paragraph (3) of this section, by inserting “or, with respect to charges and specifications over which a special victim prosecutor exercises authority in accordance with section 824a of this title (article 824a of the Uniform Code of Military Justice), a special victim prosecutor,” after “convening authority.”

SEC. 542. PRELIMINARY HEARING.

(a) DETAIL OF HEARING OFFICER.—WAIVER.—Subsection (a)(1) of section 832 of title 10, United States Code (article 32 of the Uniform Code of Military Justice), is amended—

(1) in subparagraph (A), by striking “hearing officer” and all that follows through the period at the end and inserting “hearing officer details in accordance with subparagraph (C).”;

(2) in subparagraph (B), by striking “written waiver” and all that follows through the period at the end and inserting the following:—

“written waiver to—

“(i) except as provided in clause (ii), the convening authority and the convening authority determines that a hearing is not required; and

“(ii) with respect to charges and specifications over which the special victim prosecutor exercises authority in accordance with section 824a of this title (article 824a of the Uniform Code of Military Justice), the special victim prosecutor and the special victim prosecutor or the special victim prosecutor determines that a hearing is not required.”; and

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

“(C) Except as provided in clause (i), the convening authority shall detail a hearing officer.

“(i) If a special victim prosecutor is exercising authority over the charges and specifications subject to a preliminary hearing under this section (article), the special victim prosecutor shall request a military judge or military magistrate to serve as the hearing officer, and a military judge or military magistrate shall be provided, in accordance with regulations prescribed by the President.”

(b) REPORT OF PRELIMINARY HEARING OFFICER.—Subsection (c) of such section is amended—

(1) in the heading, by inserting “or special victim prosecutor” after “convening authority”;

(2) in the matter preceding paragraph (1) by striking “to the convening authority” and inserting “to the convening authority or, in the case of a preliminary hearing in which another officer is empowered at the request of a special victim prosecutor, to the special victim prosecutor.”

SEC. 543. DETAIL OF TRIAL COUNSEL.

Section 827 of title 10, United States Code (article 27 of the Uniform Code of Military Justice), is amended by adding at the end the following new subsection:

“(a) For each general and special court-martial for which charges and specifications were referred by a special victim prosecutor—

“(1) a special victim prosecutor or an assistant special victim prosecutor shall be detailed as trial counsel; and

“(2) a special victim prosecutor may request that a counsel other than a special victim prosecutor or assistant special victim prosecutor be detailed as an assistant trial counsel.

“(2) Details of counsel under this subsection shall be made in accordance with regulations prescribed by the President.”

SEC. 544. SENTENCING REFORM.

(a) ARTICLE 53; FINDINGS AND SENTENCING.—Section 833 of title 10, United States Code (article 53 of the Uniform Code of Military Justice), is amended—

(1) in subsection (b), by adding paragraph (1) to read as follows:

“(1) GENERAL AND SPECIAL COURTS-MARTIAL.—Except as provided in subsection (c) for capital offenses, if the accused is convicted of an offense in a trial by general or special court-martial, the military judge shall sentence the accused. The sentence determined by the military judge constitutes the sentence of the court-martial.”; and

(2) in subsection—

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

“(1) GENERAL.—In a capital case, if the accused is convicted of an offense for which the court-martial may sentence the accused to death—

“(i) the sentence for that offense shall be death or life in prison without eligibility for parole; or

“(ii) whether the sentence shall be death or life in prison without eligibility for parole; or

“(B) the military judge shall sentence the accused for that offense in accordance with the determination of the members under subparagraph (A);”;

and

(B) in paragraph (2), by striking “the court-martial” and inserting “the military judge”.

(b) ARTICLE 53A; PLEA AGREEMENTS.—Section 833a of title 10, United States Code (article 53a of the Uniform Code of Military Justice), as amended by section 538 of this Act, is further amended—

(1) by redesignating subsections (b), (c), and (d), as subsections (c), (d), and (e), respectively; and

(2) by inserting after subsection (a) the following new subsection:

“(b) ACCEPTANCE OF PLEA AGREEMENT.—Subject to subsection (c), the military judge of a general or special court-martial shall accept a plea agreement submitted by the parties, except that—

“(1) in the case of an offense with a sentencing parameter set forth in regulations prescribed by the President pursuant to section 544(e) of the National Defense Authorization Act for Fiscal Year 2022, the military judge may reject a plea agreement that proposes a sentence that is outside the sentencing parameter if the military judge determines that the proposed sentence is plainly unreasonable; and

“(2) in the case of an offense for which the President has not established a sentencing parameter.”

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parameter pursuant to section 544(e) of the National Defense Authorization Act for Fiscal Year 2022, the military judge may reject a plea agreement that proposes a sentence if the military judge determines that the pro-
posed sentence is plainly unreasonable.”.
(c) ARTICLE 56. SENTENCING.—Section 566 of title 10, United States Code (article 56 of the Uniform Code of Military Justice), is amend-
ed—
(1) In subsection (c)—
(i) In subparagraph (C)(vii), by striking “and” at the end;
(ii) In subparagraph (D), by striking the pe-
riod at the end and inserting “; and”;
(iii) By adding at the end the following new
subparagraph:
“(E) the applicable sentencing parameters or
sentencing criteria set forth in regulations
prescribed by the President pursuant to
section 544(e) of the National Defense Au-
thorization Act for Fiscal Year 2022.”; and
(B) by striking paragraph (b) and inserting the
following new paragraphs:
“(2) APPLICATION OF SENTENCING PAR-
AMETERS AND SENTENCING CRITERIA
GENERAL AND SPECIAL COURTS-
MARTIAL.—In a
general or special court-
martial in which the accused is convicted of an
offense for which the President has estab-
lished a sentencing parameter pursuant to
section 544(e) of the National Defense Au-
thorization Act for Fiscal Year 2022, the
military judge shall sentence the accused
for that offense within the applicable param-
eter.
“(B) EXCLUSION.—The military judge may
impose a sentence outside a sentencing pa-
rameter upon finding specific facts that war-
rant such a sentence. If the military judge
imposes a sentence outside a sentencing pa-
rameter under this subparagraph, the mili-
tary judge shall include in the record a writ-
ten statement of the factual basis for the
sentence.
“(3) USE OF SENTENCING CRITERIA IN
GENERAL AND SPECIAL COURTS-
MARTIAL.—In a
general or special court-
martial in which the accused is convicted of an
offense for which the President has estab-
lished sentencing criteria related to offenses
under section 853 of title 10, United States
Code (article 56 of the Uniform Code of Mili-
tary Justice), as amended by section 537 of
this Act, is further amended—
“(1) in subparagraph (C)(vii), by striking
“(E) in review of a sentence to death or to
life in prison without eligibility for parole
determined by the members in a capital case
under section 853(d) of this title (article 26(g) of
the Uniform Code of Military Justice), except
that, if the chief trial judge of the Coast Guard
is not available, the Judge Advocate General
of the Coast Guard may designate as a voting
member a judge advocate of the Coast Guard
with substantial military justice experience.
“(C) NONVOTING MEMBERS.—The Board shall
have 5 voting members, as follows:
(I) The 4 trial judges designated under
section 826(g) of title 10, United States Code
(article 26(g) of the Uniform Code of Mili-
tary Justice), as amended by section 537 of
this Act, to serve as nonvoting members of the
Board at the Secretary's discretion.
(e) ESTABLISHMENT OF SENTENCING PAR-
AMETERS AND CRITERIA BOARD.—
(A) IN GENERAL.—There is established
in the Department of Defense a board, to
be known as the “Military Sentencing Par-
ameters and Criteria Board” (referred to in this
subsection as the “Board”), and the
Chief Judge Advocate General of the Coast
Guard is a nonvoting member of the Board.
(B) VOTING MEMBERS.—The Board shall
have 5 voting members, as follows:
(I) The 4 trial judges designated under
section 826(g) of title 10, United States Code
(article 26(g) of the Uniform Code of Mili-
tary Justice), as amended by section 537 of
this Act, to serve as nonvoting members of the
Board at the Secretary's discretion.
(C) NONVOTING MEMBERS.—The Chief Judge
of the Court of Appeals for the Armed For-
ces, the Chairman of the Joint Chiefs of
Staff, and the General Counsel of the Depart-
ment of Defense shall each designate one
nonvoting member of the Board. The Sec-
retary of Defense may designate an additional
nonvoting member of the Board at the
Secretary's discretion.
SEC. 545. UNIFORM, DOCUMENT-BASED DATA SYSTEM.

(a) IN GENERAL.—The Secretary of Defense shall—

(1) establish a single mechanism and process into and through which records, data, and information shall be collected, tracked, and maintained regarding, investigation, processing, adjudication, and final disposition of all offenses under the Uniform Code of Military Justice arising in any component of the Department of Defense;

(2) prescribe uniform data points, definitions, standards, and criteria applicable to all components of the Department of Defense, for the entry of records, data, and information in and through the single mechanism and process required by paragraph (1);

(3) ensure the security of the single mechanism and process and the records, data, and information maintained therein, with a particular emphasis on the security of classified information, personally identifiable information, protected health information, information that is subject to a judicial protective order or that has been placed under seal by appropriate authority, and other information of a sensitive nature, as determined by the Secretary;

(4) authorize access to the single mechanism and process and the records, data, and information maintained therein to appropriately cleared personnel of a component of the Department of Defense and such other persons as the Secretary of Defense may determine, each of whom shall have a demonstrated need for such access derived from the official business of the Department of Defense;

(5) maintain indefinitely all records, data, and information collected in and through the single mechanism and process; and

(6) analyze the records, data, and information maintained in and through the single mechanism and process—

(A) to promote the effective management and timely investigation, processing, adjudication, and disposition of offenses under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice);

(B) to ascertain the effects of the changes in law and policy under this paragraph and the amendments made by this part on the prevention of and response to offenses over which a special victim prosecutor has concurrent criminal and military jurisdiction; in any time period in accordance with section 824b of this title (article 24a of the Uniform Code of Military Justice);

(C) to inform and improve the processes, decisions, reports, and decision-making of the Department of Defense;

(D) to enhance the quality of periodic reviews required by law, including under section 946 of the Uniform Code of Military Justice; and

(E) to enhance the quality of reports and briefings to Congress and the Committee on Armed Forces of the Senate and the Committee on Armed Forces of the House of Representatives, including those required by section 532 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 110–364); section 1361 of the National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383), as amended by section 575 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239), section 542 of the National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291), section 542 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–66); and

(f) for such other purposes as the Secretary of Defense may prescribe.

(b) INFORMATION INCLUDED.—The records, data, and information collected, tracked, and maintained in the single mechanism and process required under subsection (a) shall include—

(1) the data points and uniform definitions set forth in memoranda of the General Counsel of the Department of Defense entitled “Uniform Standards and Criteria Required by section 532 of the Uniform Code of Military Justice”, dated December 17, 2018, and “Recording Court-Martial Demographic Information”, dated June 3, 2020, and the Appendices thereto, expanded to include—

(A) the progress of an offense under the Uniform Code of Military Justice through each stage of the investigative process, including a summary of the initial complaint giving rise to an inquiry or investigation by a military law enforcement, security, or intelligence organization or military criminal investigative organization of how the complaint became known to such organization, and any referral to or from civilian law enforcement or investigative authorities;

(B) demographic data pertaining to each victim and accused, including age, race, ethnicity, sex, and rank, as applicable, together with the nature of the relationship, if any, between a victim and an accused;

(C) any action taken relative to a service member suspected or accused of an offense under the Uniform Code of Military Justice through each stage of such action from initiation to final disposition, and appeal, if any, including—

(i) what action was taken to no action; and

(ii) by trial by court-martial or other judicial process;

(iii) non-judicial punishment under section 815 of title 10, United States Code (article 15 of the Uniform Code of Military Justice); and

(iv) adverse or corrective administrative action;

(D) the age, race, ethnicity, sex, and rank, as applicable, of any person who took an action documented pursuant to subparagraph (C); and

(E) the date on which each key action or decision relative to the offense occurred or was made;

(F) a true copy of each source document or record relating to the reporting, investigation, processing, adjudication, and disposition of each offense; and

(G) any other record, data, or information as prescribed by the Secretary of Defense.

(c) DEADLINE.—The single mechanism and process required under subsection (a) shall be fully operational by the effective date specified in section 529 of this title to collect, track, and maintain records, data, and information about the reporting, investigation, processing, adjudication, and final disposition of each offense under the Uniform Code of Military Justice that occurs after that date.

(d) DEFINITIONS.—In this section:

(1) SINGLE MECHANISM AND PROCESS.—The term “single mechanism and process” is defined as a database, tracking system, or other mechanism and process—

(A) maintained in and through the single mechanism and process required under subsection (a) by the Secretary of Defense, in which records, data, and information relative to an offense under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice) arising in any component of the Department of Defense are consolidated.
SEC. 546. PRIMARY PREVENTION WORKFORCE.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish a Primary Prevention Workforce to provide a comprehensive and integrated program across the Department of Defense enterprise for the prevention of interpersonal and self-directed violence, including sexual assault, sexual harassment, domestic violence, child abuse and maltreatment, problematic juvenile sexual behavior, suicide, workplace violence, and substance misuse.

(b) PRIMARY PREVENTION WORKFORCE MODEL.

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report setting forth a holistic model for a dedicated and capable Primary Prevention Workforce in the Department of Defense.

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

(A) A description of Primary Prevention Workforce roles, responsibilities, and capabilities, including—

(i) the conduct of research and analysis;

(ii) advising all levels of military commanders and leaders;

(iii) designing and writing strategic and operational primary prevention policies and programs;

(iv) integrating and analyzing data; and

(v) providing technical assistance and support in the integration of primary prevention programs and activities.

(B) The design and structure of the Primary Prevention Workforce, including—

(i) a description of military, civilian, and hybrid manpower options;

(ii) the comprehensive integration of the workforce from strategic to tactical levels of the Department of Defense and its components; and

(iii) mechanisms for individuals in workforce roles to report to and align with installation commanders, departmental personnel, and other committees.

(C) Strategies, plans, and systematic approaches for recruiting, credentialing, promoting, and sustaining the diversity of workforce roles comprising a professional workforce dedicated to primary prevention.

(D) The creation of a professional, primary prevention credential that standardizes a workforce from strategic to tactical levels of the primary prevention workforce in the component at issue.

(E) Annexation of prevention practitioners such that common prevention and clinical interview skills are built into the career cycle with knowledge development and skill building requirements built into the career cycle.


SEC. 547. ANNUAL PRIMARY PREVENTION RESEARCH AGENDA.

(a) IN GENERAL.—Beginning on October 1, 2022, and annually thereafter, the Secretary of Defense shall publish a Department of Defense research agenda for that fiscal year, focused on the primary prevention of interpersonal and self-directed violence, including sexual assault, sexual harassment, domestic violence, child abuse and maltreatment, problematic juvenile sexual behavior, suicide, workplace violence, and substance misuse.

(b) ELEMENTS.—Each annual primary prevention research agenda shall include the following elements:

(1) identify research priorities for that fiscal year;

(2) assign research projects and tasks to the military departments and other components of the Department of Defense, as the Secretary of Defense determines appropriate;

(3) allocate or direct the allocation of appropriate resources for each such project and task; and

(4) collaborate with other components of the Department of Defense, to implement and execute the primary prevention research agenda.

SEC. 548. FULL FUNCTIONALITY OF CERTAIN ADVISORY COMMITTEES AND PANELS.

Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall establish or reconstitute, maintain, and ensure the full functionality of—

(A) the Defense Advisory Committee on the Investigation, Prosecution, and Defense of sexual assault in the Armed Forces, established pursuant to section 546 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 10 U.S.C. 1561 note);

(B) the Defense Advisory Committee for the Prevention of Sexual Misconduct, established pursuant to section 522 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 1561 note); and

(C) the Military Justice Review Panel established pursuant to section 946 of title 10, United States Code, and the Uniform Code of Military Justice).

SEC. 549. MILITARY DEFENSE COUNSEL PARITY.

The Secretary of Defense shall—

(a) direct the Secretaries of the military departments to establish the funding, mechanisms, and processes required for service military defense counsel to exercise control over their own funds, beginning not later than one year after the date of the enactment of this Act;

(b) ensure that military defense counsel have timely and reliable funding for defense investigators, expert witnesses, trial support, counsel travel, and other necessary resources;

(c) ensure the prompt and reliable resourcing necessary to implement this part and the amendments made by this part; and

(d) ensure that military defense counsel detailed to represent a servicemember accused of a special victim offense are well-trained and experienced, highly skilled, and competent in the defense of special victim cases;

(e) take or direct such other actions regarding military defense counsel as may be in the interest of the fair administration of justice.

SEC. 550. RESOURCING.

(a) REPORT REQUIRED.—Not later than May 1, 2022, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report detailing the resourcing necessary to implement this part and the amendments made by this part.

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

(1) The number of additional personnel and personnel authorizations—military and civilian—required by the Office of the Secretary of Defense, each of the military departments, and any other component of the Department of Defense, to implement the provisions of this part and the amendments made by this part by the effective date specified in section 552.

(2) The basis for the number provided pursuant to paragraph (1), including the following information:

(A) A description of the organizational structure in which such personnel or groups of personnel will be employed;

(B) The nature of the duties and functions to be performed by any such personnel or
groups of personnel across the domains of policy-making, execution, assessment, and oversight.

(C) The optimum caseload goal assigned to the form of military personnel who are or will participate in the military justice process; criminal investigators of different levels and expertise, laboratory personnel, defense and victim advocates, and assistant special victim prosecutors, military defense counsel, military judges, and military magistrates.

(D) An increase in the number of personnel currently authorized in law to be assigned to the Office of the Secretary of Defense and other Department of Defense components, including the Department of Defense, and the military departments to provide as described in paragraphs (1) through (3) as punishable under sections 880 of title 10, United States Code (article 80 of the Uniform Code of Military Justice), for more than one year.

SEC. 561. SHORT TITLE.

This part may be cited as the “Military Justice Improvement and Increasing Preven-

SEC. 562. IMPROVEMENT OF DETERMINATIONS ON DISPOSITION OF CHARGES FOR CERTAIN OFFENSES UNDER UCMJ WITH MAXIMUM SENTENCE OF CONFINEMENT OF MORE THAN ONE YEAR.

(a) IMPROVEMENT OF DETERMINATIONS.—

(1) MILITARY DEPARTMENTS.—With respect to charges under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), the offense specified in subsection (b) and not excluded under subsection (c), the Secretary of Defense shall require the Secretaries of the military departments to prescribe regulations to carry out this part, including the regulations prescribed for purposes of this subsection, for the determinations as follows:

(A) Determinations under section 830 of such chapter (article 30 of the Uniform Code of Military Justice) on the plea of the defendant.

(B) Determinations under section 830 of such chapter (article 30 of the Uniform Code of Military Justice) on the disposition of charges.

(C) Determinations under section 834 of such chapter (article 34 of the Uniform Code of Military Justice) on the referral of charges.

(2) HOMELAND SECURITY.—With respect to charges under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), that allege an offense specified in subsection (b) and not excluded under subsection (c), the Secretary of Homeland Security shall provide as described in subsection (a) for the determinations as follows:

(A) Determinations under section 830 of such chapter (article 30 of the Uniform Code of Military Justice) on the plea of the defendant.

(B) Determinations under section 830 of such chapter (article 30 of the Uniform Code of Military Justice) on the disposition of charges.

(C) Determinations under section 834 of such chapter (article 34 of the Uniform Code of Military Justice) on the referral of charges.

(3) MILITARY DEPARTMENTS.—With respect to charges under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), that allege an offense specified in subsection (b) and not excluded under subsection (c), the Secretary of Defense shall require the Secretaries of the military departments to prescribe regulations to carry out this part, including the regulations prescribed for purposes of this subsection, for the determinations as follows:

(A) Determinations under section 830 of such chapter (article 30 of the Uniform Code of Military Justice) on the plea of the defendant.

(B) Determinations under section 830 of such chapter (article 30 of the Uniform Code of Military Justice) on the disposition of charges.

(C) Determinations under section 834 of such chapter (article 34 of the Uniform Code of Military Justice) on the referral of charges.

SEC. 552. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this section shall apply to a court-martial convened under this part and the amendments made by this part.

(b) REGULATIONS.—

(1) MILITARY DEPARTMENTS.—Regulations prescribed pursuant to this section shall be made not later than two years after the date of enactment of this Act.

(c) E XCLUDED OFFENSES.—Subsection (a) shall not apply to the offense as follows:

(1) An offense under sections 883 through 917 of title 10, United States Code (articles 83 through 117 of the Uniform Code of Military Justice), that may not be preferred or referred under section 883a of such title (article 83a of the Uniform Code of Military Justice).

(2) An offense under section 922a, 923, 923a, or 923b of title 10, United States Code (articles 122a, 123, and 123a of the Uniform Code of Military Justice).

(3) An offense under section 933 or 934 of title 10, United States Code (articles 133 and 134 of the Uniform Code of Military Justice), but not the offense of child pornography, negligent homicide, indecent conduct, indecent language communicated to any child under the age of 16 years, or pandering and prostitution as punishable under the general courts-martial provisions for conduct in violation of article 134 of title 10, United States Code (article 134 of the Uniform Code of Military Justice).

(4) A conspiracy to commit an offense specified in paragraphs (1) through (3) as punishable under section 882 of title 10, United States Code (article 82 of the Uniform Code of Military Justice).

(5) A solicitation to commit an offense specified in paragraphs (1) through (3) as punishable under section 882 of title 10, United States Code (article 82 of the Uniform Code of Military Justice).

(6) An attempt to commit an offense specified in paragraphs (1) through (3) as punishable under section 880 of title 10, United States Code (article 80 of the Uniform Code of Military Justice).

(d) REQUIREMENTS AND LIMITATIONS.—The determination of charges prescribed by subsection (a) shall be subject to the following:

(1) The determination whether to cause charges to be preferred or refer such charges to a court-martial for trial, as applicable, shall be made by a commissioned officer of the Armed Forces designated as a court-martial convening authority in accordance with regulations prescribed for purposes of this subsection from among commissioned officers of the Armed Forces in grade O-6 or higher who—

(A) Have significant experience in trials by general or special court-martial; and

(B) Are outside the chain of command of the member subject to such charges.

(2) A determination under paragraph (1) to refer charges to a court-martial for trial, the officer making that determination shall determine whether to refer such charges for trial by a general court-martial convened under section 822 of title 10, United States Code (article 22 of the Uniform Code of Military Justice), or a special court-martial convened under section 820 of title 10, United States Code (article 20 of the Uniform Code of Military Justice).

(3) A determination under paragraph (1) to cause charges to be preferred or refer such charges to a court-martial for trial, as applicable, shall cover all known offenses, including lesser included offenses.

(4) A determination under paragraph (1) to cause charges to be preferred or refer charges to a court-martial for trial, as applicable, paragraph
(a) IN GENERAL.—Subsection (a) of section 822 of title 10, United States Code (article 22 of the Uniform Code of Military Justice), is amended—

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

(2) by inserting after paragraph (7) the following new paragraph (8):—

"(8) with respect to offenses to which section 562(a) of the Military Justice Improvement and Increasing Prevention Act of 2021 (as so amended) is applied, the investigation pursuant to section 563(c) of that Act or officers in the grade of O-6 or higher who are assigned such responsibility by the Chief of the Department of Homeland Security, as may be detailed or assigned to the office by the Chief of Staff or Commandant of the Marine Corps, the Commandant of the Marine Corps, or the Commandant of the Coast Guard;"

(b) No Exercise by Officers in Chain of Command of Accused or Victim.—Such section (article) is further amended by adding at the end the following new subsection:

"(c) An officer specified in subsection (a)(8) may not convene a court-martial under this section if the officer is in the chain of command of the accused or the victim.".

(c) Officers of Chiefs of Staff on Courts-Martial.—

(1) Officers Required.—Each Chief of Staff of the Armed Forces or Commandant specified in paragraph (a) of this section, or the Secretary of the Department of Homeland Security, as may be detailed or assigned to the office by the Chief of Staff or Commandant concerned. The members and personnel so detailed or assigned, as the case may be, shall be added to and assigned from the personnel billets in existence as of the effective date for this part specified in subsection (a)."
Title E—Member Education, Training, and Transition

SEC. 571. MODIFICATION OF GRANT PROGRAM SUPPORTING SCIENCE, TECHNOLOGY, ENGINEERING, AND MATH EDUCATION IN THE JUNIOR SERVICE OFFICERS' TRAINING CORPS TO INCLUDE QUANTUM INFORMATION SCIENCES.

Section 203(e)(2) of title 10, United States Code, as added by section 513(a) of the William M. Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), is amended—

(1) by redesignating subparagraphs (J) through (M) as subparagraphs (K) through (N), respectively;

(2) by inserting after subparagraph (I) the following new subparagraph:

"(J) quantum information sciences;"

SEC. 572. ALLOCATION OF AUTHORITY FOR NOMINATIONS TO THE MILITARY SERVICE ACADEMIES IN THE EVENT OF THE DEATH, RESIGNATION, OR EXPULSION FROM OFFICE OF A MEMBER OF CONGRESS.

(a) UNITED STATES MILITARY ACADEMY.

(1) IN GENERAL.—Chapter 753 of title 10, United States Code, is amended by inserting after section 7422 the following new section:

"§ 7442a. Cadets: nomination in event of death, resignation, or expulsion from office of member of Congress otherwise authorized to nominate.

"(a) SENATORS.—In the event a Senator does not submit nominations for cadets for an academic year in accordance with section 7422(a) of this title due to death, resignation from office, or expulsion from office and the date of the deadline for submittal of nominations for cadets for the academic year, the nominations for cadets otherwise authorized to be made by the Senator pursuant to such section shall be made instead by the other Senator from the State concerned.

"(b) REPRESENTATIVES.—In the event a Representative from a State does not submit nominations for midshipmen for an academic year in accordance with section 8454(a)(4) of this title due to death, resignation from office, or expulsion from office and the date of the deadline for submittal of nominations for midshipmen for the academic year, the nominations for midshipmen otherwise authorized to be made by the Senator pursuant to such section shall be made instead by the other Senator from the State.

'(c) CONSTRUCTION OF AUTHORITY.—Any nomination for midshipmen made by a Senator pursuant to this section is in addition to any nomination for midshipmen otherwise authorized to be made by the Senator under section 8454 of this title or any other provision of law.'.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 843 of title 10, United States Code, is amended by adding after section 8435 the following new item:

"§ 8454a. Midshipmen: nomination in event of death, resignation, or expulsion from office of member of Congress otherwise authorized to nominate.

"(a) SENATORS.—In the event a Senator does not submit nominations for midshipmen for an academic year in accordance with section 8454(a)(3) of this title due to death, resignation from office, or expulsion from office and the date of the deadline for submittal of nominations for midshipmen for the academic year, the nominations for midshipmen otherwise authorized to be made by the Senator pursuant to such section shall be made instead by the other Senator from the State concerned.

"(b) REPRESENTATIVES.—In the event a Representative from a State does not submit nominations for cadets for an academic year in accordance with section 8454(a)(4) of this title due to death, resignation from office, or expulsion from office and the date of the deadline for submittal of nominations for cadets for the academic year, the nominations for cadets otherwise authorized to be made by the Senator pursuant to such section shall be made instead by the other Senator from the State.

"(c) CONSTRUCTION OF AUTHORITY.—Any nomination for cadets made by a Senator pursuant to this section is in addition to any nomination for cadets otherwise authorized to be made by the Senator under section 7422 of this title due to death, resignation from office, or expulsion from office and the date of the deadline for submittal of nominations for cadets for the academic year, the nominations for cadets otherwise authorized to be made by the Senator pursuant to such section shall be made instead by the other Senator from the State.

'(d) CONSTRUCTION OF AUTHORITY.—Any nomination for midshipmen made by a Senator pursuant to this section is in addition to any nomination for midshipmen otherwise authorized to be made by the Senator under section 8454 of this title or any other provision of law.'.

(c) AIR FORCE ACADEMY.

(1) IN GENERAL.—Chapter 953 of title 10, United States Code, is amended by inserting after section 9442 the following new section:

"§ 9442a. Cadets: nomination in event of death, resignation, or expulsion from office of member of Congress otherwise authorized to nominate.

"(a) SENATORS.—In the event a Senator does not submit nominations for cadets for an academic year in accordance with section 9442(a)(3) of this title due to death, resignation from office, or expulsion from office and the date of the deadline for submittal of nominations for cadets for the academic year, the nominations for cadets otherwise authorized to be made by the Senator pursuant to such section shall be made instead by the other Senator from the State.

"(b) REPRESENTATIVES.—In the event a Representative from a State does not submit nominations for cadets for an academic year in accordance with section 9442(a)(4) of this title due to death, resignation from office, or expulsion from office and the date of the deadline for submittal of nominations for cadets for the academic year, the nominations for cadets otherwise authorized to be made by the Senator pursuant to such section shall be made instead by the other Senator from the State.
divided equally among such Senators and any remainder going to the senior Senator from the State.

(c) Construction of Authority.—Any nomination, if made by a Senator pursuant to this section is in addition to any nomination of cadets otherwise authorized the Senate under section 942 of this title or any other provision of law.

(2) Cessional Amendment.—The table of sections at the beginning of chapter 953 of such title is amended by inserting after the item relating to section 942 the following new item:

“942a. Cadets: nomination in event of death, resignation, or expulsion from office of member of Congress otherwise authorized to nomi- nate.”.

SEC. 573. TROOPS-TO-TEACHERS PROGRAM. (a) REQUIREMENT TO CARRY OUT PROGRAM.—Section 1154(b) of title 10, United States Code, is amended by striking “may” and inserting “shall”.

(b) REPORTING REQUIREMENT.—Section 1154 of title 10, United States Code, is amended—

(1) by redesignating subsection (a) as subsection (j); and

(2) by inserting after subsection (b) the following new subsection—

“(1) ANNUAL REPORT.—Not later than December 1, 2022, and annually thereafter, the Secretary of Defense shall submit to the appropriate congressional committees a report on the results of the workgroup, its activities, the effectiveness of the counter foreign malign influence activities carried out under this section, the metrics applied to determine effectiveness, and the actual costs associated with actions undertaken pursuant to this section.

“(2) The report required under paragraph (1) shall include the following elements:

(1) the total number of teachers placed during such fiscal year;

(2) the total number of teachers placed during the most recent fiscal year;

(3) appropriate congressional committees means—

(A) the Committees on Armed Services of the Senate and the House of Representatives a report on the programs and the results of the work group, its activities, the effectiveness of the counter foreign malign influence activities carried out under this section, the metrics applied to determine effectiveness, and the actual costs associated with actions undertaken pursuant to this section.

“(f) DEFINITIONS.—In this section:

(1) FOREIGN MALIGN INFLUENCE.—The term ‘foreign malign influence’ means the meaning given that term in section 119C of the National Security Act of 1947 (50 U.S.C. 3059).

(2) COVERED FOREIGN COUNTRY.—The term ‘covered foreign country’ means the meaning given that term in section 119C of the National Security Act of 1947 (50 U.S.C. 3059).

(3) INFORMATION LITERACY.—The term ‘information literacy’ means the set of skills needed to find, retrieve, understand, evaluate, analyze, and effectively use information (which encompasses spoken and broadcast words and written, printed materials, and digital content, data, and images).”.

SEC. 575. PROHIBITION ON IMPLEMENTATION BY UNITED STATES AIR FORCE ACADEMY OF CIVILIAN FACULTY TENURE SYSTEM. The Secretary of Defense may not implement a civilian faculty tenure system for the United States Air Force Academy (in this section referred to as the “Academy”) until the Secretary of the Air Force establishes a faculty compensation and evaluation system that the Secretary certifies to the Committees on Armed Services of the Senate and the House of Representatives a report assessing the following:

(1) How a civilian faculty tenure system would promote the mission of the Academy;

(2) How a civilian faculty tenure system would affect the current curricular governance process of the Academy;

(3) How the Academy will determine the number of civilian faculty at the Academy who would be granted tenure;

(4) The design and operation of such system would be structured for Federal employees at the Academy, including details of specific protections and limitations.


(1) by striking subsections (d) and (e); and

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

“(d) Establishment of Working Group.—Not later than one year after the date of the enactment of this section, the Secretary shall establish a working group to assist the official designated under subsection (b), as follows:

(A) In the identification of mediums used by covered entities to identify, access, and endeavor to influence service members and Department of Defense civilian employees through foreign malign influence campaigns and the themes conveyed through such mediums.

(B) In coordinating and integrating the training programs available for operation in order to enhance and strengthen service member and Department of Defense civilian employee awareness of and defenses against foreign malign influence, including by bolstering information literacy.

(C) In such other tasks deemed appropriate by the Secretary of Defense or the official designated under subsection (b).

(2) The official designated under subsection (b) and the working group established under this subsection with the Foreign Malign Influence Response Center established pursuant to section 3059 of title 50, United States Code.

(3) by redesignating subsection (j) as subsection (i); and

(4) by inserting after subsection (i) the following new subsection:

“(j) ANNUAL REPORT.—Not later than December 1, 2022, and annually thereafter, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the workgroup, its activities, the effectiveness of the counter foreign malign influence activities carried out under this section, the metrics applied to determine effectiveness, and the actual costs associated with actions undertaken pursuant to this section.

“(k) DEFINITIONS.—In this section:

(1) CIVILIAN PERSONNEL.—The term ‘civilian personnel’ means the meaning given that term in section 119C of the National Security Act of 1947 (50 U.S.C. 3059).

(2) FOREIGN MALIGN INFLUENCE.—The term ‘foreign malign influence’ means the meaning given that term in section 119C of the National Security Act of 1947 (50 U.S.C. 3059).

(3) INFORMATION LITERACY.—The term ‘information literacy’ means the set of skills needed to find, retrieve, understand, evaluate, analyze, and effectively use information (which encompasses spoken and broadcast words and written, printed materials, and digital content, data, and images).”.

SEC. 575. PROHIBITION ON IMPLEMENTATION BY UNITED STATES AIR FORCE ACADEMY OF CIVILIAN FACULTY TENURE SYSTEM. The Secretary of Defense may not implement a civilian faculty tenure system for the United States Air Force Academy (in this section referred to as the “Academy”) until the Secretary of the Air Force establishes a faculty compensation and evaluation system that the Secretary certifies to the Committees on Armed Services of the Senate and the House of Representatives a report assessing the following:

(1) The number of spouses who participated in the pilot program based on annual funding availability;

(2) How a civilian faculty tenure system would affect the current curricular governance process of the Academy;

(3) How the Academy will determine the number of civilian faculty at the Academy who would be granted tenure;

(4) How such a system would be structured for Federal employees at the Academy, including details of specific protections and limitations.

(5) The budget implications of implementing a tenure system for the Academy.

(6) The faculty qualifications that would be required to earn and maintain tenure.

(7) The reasons for termination of tenure that will be implemented and how a tenure termination effort would be conducted.

Subtitle F—Military Family Readiness and Dependents

SEC. 581. CERTAIN ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEFENSE DEPENDENTS AND MILITARY AND CIVILIAN PERSONNEL. (a) Continuation of Authority to Assist Local Educational Agencies That Benefit Defense Dependents and Armed Forces and Department of Defense Civilian Employees.—

(1) Assistance to schools with significant numbers of military dependent students.—Of the amount authorized to be appropriated for fiscal year 2022 pursuant to section 301 and available for operation and maintenance for defense-wide activities as specified in the funding table in section 4301, $15,000,000 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. 7713(9)).

(b) Impact aid for children with severe disabilities.—

(1) In general.—Of the amount authorized to be appropriated for fiscal year 2022 pursuant to section 301 and available for operation and maintenance for defense-wide activities as specified in the funding table in section 4301, $10,000,000 shall be available for payment under section 1407 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. 770A).

(2) Additional amount.—Of the amount authorized to be appropriated for fiscal year 2022 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 31, 2022, 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. 582. PILOT PROGRAM TO ESTABLISH EMPLOYMENT FELLOWSHIP OPPORTUNITIES FOR MILITARY SERVICES PERSONNEL. (a) Establishment.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense may establish a one-year pilot program to provide employment support to the spouses of members of the Armed Forces through a paid fellowship with employers across a variety of industries. In carrying out the pilot program, the Secretary shall take the following steps:

(1) Enter into a contract or other agreement to conduct a career fellowship pilot program for military service personnel.

(2) Determine the appropriate capacity for the pilot program based on annual funding availability.

(3) Establish evaluation criteria to determine measures of effectiveness and cost-benefit analysis of the pilot program in supporting military spouse employment.

(b) Identification of Covered Entities.—Of the total amount of the pilot program may not exceed $5,000,000 over the life of the pilot.

(c) Reports.—Not later than two years after the Secretary establishes the pilot program, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives an interim report that includes the following elements:

(1) The number of spouses who participated in the pilot program annually.

(2) The amount of funding spent through the pilot program annually.
(3) A recommendation of the Secretary regarding whether to make the pilot program permanent.

(d) FINAL REPORT.—Not later than 180 days after the pilot program ends, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a final report that includes the following:

(1) The number of spouses who participated in the pilot program;

(2) The amount of funding spent through the pilot program;

(3) An evaluation of outcomes;

(4) A recommendation of the Secretary regarding whether to make the pilot program permanent;

(5) A recommendation of the Secretary concerning whether to make the pilot program permanent.

Title VI—Military Compensation

SEC. 601. BASIC NEEDS ALLOWANCE FOR MEMBERS ON ACTIVE SERVICE IN THE ARMED FORCES.

(a) IN GENERAL.—Chapter 7 of title 37, United States Code, is amended by inserting after subsection (a) (7) the following new subsection (a) (7):

“(7) Such other matters as the Secretary considers appropriate relating to security force personnel performing PL–1 duties during that fiscal year.

(b) ELIGIBLE MEMBERS.—A member on active service in the armed forces shall be eligible for basic needs allowance if:

(1) the member is on active service in the armed forces during that fiscal year;

(2) the member is performing PL–1 duties that are a part of the responsibilities of the Department of Health and Human Services for the location of the member and the number of individuals in the household of the member for such year; and

(3) the member—

“(A) is not ineligible for the allowance under subsection (d); and

“(B) does not elect under subsection (c) not to receive the allowance.

“(C) AMOUNT OF ALLOWANCE.—The amount of the monthly allowance payable to a member under subsection (a) shall be the amount equal to—

“(1)(A) 130 percent of the Federal poverty level, as determined by the Director of the Office of Management and Budget under section 642 of the Department of Health and Human Services for the calendar year during which the allowance is paid based on the location of the member and the number of individuals in the household of the member during the month for which the allowance is paid; minus

“(B) the gross household income of the member during the most recent calendar year.

“(D) ELIGIBLE MEMBERS.—A member on active service in the armed forces is eligible for the allowance under subsection (a) if—

“(1) the member has completed initial entry training;

“(2) the gross household income of the member during the most recent calendar year did not exceed an amount equal to 130 percent of the Federal poverty level, as determined by the Director of the Office of Management and Budget under section 642 of the Department of Health and Human Services for the location of the member and the number of individuals in the household of the member for such year; and

“(3) the member—

“(A) is not ineligible for the allowance under subsection (d); and

“(B) does not elect under subsection (c) not to receive the allowance.

“SEC. 595. REPORTS ON SECURITY FORCE PERSONNEL PERFORMING PROTECTION LEVEL ONE DUTIES.

(a) IN GENERAL.—The Secretary of the Air Force shall submit to the congressional defense committees a report on the status of security force personnel performing protection level one (PL–1) duties—

(1) in writing by the Secretary of the Air Force on a full-time basis during the most recent fiscal year that ended before submission of the report;

(2) the number of personnel disaggregated by mission assignment during that fiscal year;

(3) the number of personnel assigned to each major PL–1 installation during that fiscal year and a description of the rank structure of such personnel;

(4) a statement of the time, by rank structure, such personnel are designated to perform PL–1 duties at each major PL–1 installation during that fiscal year;

(5) the retention rate of security personnel performing such duties during that fiscal year;

(6) the number of Air Force PL–1 security force members deployed to support another Air Force mission or a joint mission with another military department during that fiscal year.

(b) ELIGIBLE MEMBERS.—Each report required by subsection (a) shall include the following:

(1) The number of Nuclear and Missile Operations Officers, by intercontinental ballistic missile operational group, to other ballistic missile operational groups, to other missile operational groups, to other field offices, and to other Security Forces for the location of the member and the number of individuals in the household of the member for such year.
“(A) A member who does not have any dependents.

(B) A cadet at the United States Military Academy, the United States Air Force Academy, the U.S. Naval Academy, or a midshipman at the United States Naval Academy, or a cadet or midshipman serving elsewhere in the armed forces.

(2) HOUSEHOLD PETS.—Section 451(b)(8) of title 37, United States Code, is amended—

(A) by amending the section heading to read as follows: “451b. Basic needs allowance for members on active service in the armed forces.”;

(B) by striking the end of the section and inserting the following as the end:

“(8) HOUSEHOLD PETS.—Section 451(b)(8) of title 37, United States Code, is amended by adding at the end the following new sentence: ‘Such costs include pet quarantine expenses.’.”

SEC. 602. EQUAL INCENTIVE PAY FOR MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES.

(a) IN GENERAL.—Subchapter II of chapter 5 of title 37, United States Code, is amended by adding at the end of such subchapter the following new section:

“§ 357. Incentive pay authorities for members of the reserve components of the armed forces

“The Secretary concerned shall pay a member of the reserve component of an armed force in the same monthly amount as that paid to a member in the regular component of such armed force performing comparable work requiring comparable skills.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new section—

“357. Incentive pay authorities for members of the reserve components of the armed forces.”.

SEC. 603. EXTENSION OF EXPIRING TRAVEL AND TRANSPORTATION AUTHORITIES.

(a) LODGING IN KIND FOR RESERVE COMPONENT MEMBERS PERFORMING TRAINING.—

(1) IN GENERAL.—Section 12604 of title 10, United States Code, is amended by—

(A) by adding the section heading to read as follows: “Lodging: Reserves attending training”;

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

“(c) LODGING IN KIND.—(1) In the case of a member of a reserve component performing active duty for training or inactive duty training who is not otherwise entitled to travel and transportation allowances in connection with such duty, the Secretary concerned may reimburse the member for housing service charge expenses incurred by the member in occupying transient government housing during the performance of such duty. If transient government housing is unavailable or inadequate, the Secretary concerned may provide the member with lodging in kind.

“(2) Any payment or other benefit under this subsection shall be provided in accordance with regulations prescribed by the Secretary concerned.

“(3) The Secretary may pay service charge expenses under paragraph (1) and expenses of providing lodging in kind under such paragraph of the funds appropriated for operation and maintenance for the reserve component concerned. Use of a Government charge card is authorized for payment of such expenses.

“(4) Decisions regarding the availability and adequacy of government housing, and the installation under paragraph (1) shall be made by the installation commander.”;

(b) MANDATORY PET QUARANTINE FEES FOR HOUSEHOLD PETS.—Section 451(b)(8) of title 37, United States Code, is amended by adding at the end the following new sentence: “Such costs include pet quarantine expenses.”.

(c) STUDENT DEPENDENT TRANSPORTATION.—

(1) IN GENERAL.—Section 452(b) of title 37, United States Code, is amended by adding at the end the following new paragraphs:

“(18) Travel by a dependent child to the United States to obtain formal secondary, undergraduate, graduate, or vocational education, if the permanent duty assignment location of the member of the uniformed services is in Alaska or Hawaii.

“(19) Travel by a dependent child within the United States to obtain formal secondary, undergraduate, graduate, or vocational education, if the permanent duty assignment location of the member of the uniformed services is not in the continental United States, Alaska, or Hawaii.

“(20) Travel by a dependent child to a foreign location at the request of the member of the uniformed services who is in a foreign location, if the permanent duty assignment location of the member is not in the continental United States, Alaska, or Hawaii.

“SEC. 653. EXTENSION OF EXPIRING TRAVEL AND TRANSPORTATION AUTHORITIES.
SEC. 605. ONE-YEAR EXTENSION OF CERTAIN EXPIRING AUTHORITIES.

(a) Authorities Relating to Reserve Forces.—Section 916(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, 2021” and inserting “December 31, 2022”.

(b) Title 10 Authorities Relating to Health Care Professionals.—The following sections of title 10, United States Code, are amended by striking “December 31, 2021” and inserting “December 31, 2022”:

(1) Section 2130(a)(1), relating to nurse officer candidate access programs.

(2) Section 1562(d), relating to repayment of education loans for certain health professionals who serve in Selected Reserve.

(c) Authorities Relating to Nuclear Officers.—Section 333(i) of title 37, United States Code, is amended by striking “December 31, 2021” and inserting “December 31, 2022”.

(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, 2021” and inserting “December 31, 2022”:

(1) Section 452, relating to general bonus authority for enlisted members.

(2) Section 332(g), relating to general bonus authority for officers.

(3) Section 335, 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 Naval Academy and the Merchant Marine Academy.

(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, 2021” and inserting “December 31, 2022”.

SEC. 606. REQUIREMENTS IN CONNECTION WITH SUSPENSION OF RETIRED PAY AND ANNUITIES.

(a) Notice Before Suspension of Payment.—(1) IN GENERAL.—The Defense Finance and Accounting Service may not suspend the payment to a military retiree or annuitant of retired or retainer pay as a result of any suspension of payment pending under subsection (a) of section 2130a of title 10, United States Code, unless:

(A) the Defense Finance and Accounting Service has received a notice of the right of the military retiree or annuitant to submit a claim under section 2130a(a) of title 10, United States Code, or

(B) the Defense Finance and Accounting Service has received a claim under section 2130a of title 10, United States Code, submitted by the military retiree or annuitant and the Defense Finance and Accounting Service has not taken appropriate action to recover any overpayment.

(b) Notification of Right of Military Retiree or Annuitant to Submit Claim.—(1) IN GENERAL.—The Defense Finance and Accounting Service shall, in consultation with the Secretary of Defense, prescribe regulations for the notice to be provided to a military retiree or annuitant in connection with any suspension of payment pending under subsection (a) of section 2130a of title 10, United States Code, unless a claim under section 2130a of title 10, United States Code, has been received by the Defense Finance and Accounting Service.

(2) CONTENT.—The notice prescribed under paragraph (1) shall include:

(A) a statement informing the military retiree or annuitant that the suspension of payment pending under subsection (a) of section 2130a of title 10, United States Code, is to be lifted only if the claim under section 2130a of title 10, United States Code, is received by the Defense Finance and Accounting Service and

(B) a statement providing a description of the claim under section 2130a of title 10, United States Code, and the consequences of not submitting the claim.

(c) Nonreliance on Suspension of Payment.—The Secretary of Defense may take appropriate action to recover any overpayment under any provision of this title, without regard to section 2130a of title 10, United States Code, if such overpayment would otherwise be recoverable under any other provision of law.

(d) Period of Suspension.—Notwithstanding any other provision of law, any suspension of payment pending under subsection (a) of section 2130a of title 10, United States Code, shall not exceed 90 days after the date on which the Secretary of Defense receives notice of the right of a military retiree or annuitant to submit a claim under section 2130a of title 10, United States Code, unless the notice is received by the Secretary of Defense more than 90 days after the date of the notification.

(e) Annual Eligibility Determination Procedures.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe in regulations a single annual eligibility determination procedure for determinations of eligibility for military retired or retainer pay and survivor annuities in connection with military service as a replacement of the current procedures in connection with the Certificate of Eligibility and Report of Existence for military retirees and annuitants.

(f) Period.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the implementation of the procedures prescribed under subsection (e) and the effect of the procedures on the death of a military retiree or annuitant.
in the Medicare program under section 1866(j) of the Social Security Act (42 U.S.C. 1395cc(j));” and
(B) by adding at the end the following new subparagraph:
“(C) The term ‘overseas’ means located outside of the 50 States, the District of Columbia, Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.”;
(3) in paragraph (3), by adding at the end the following new sentence: “Notwithstanding the foregoing, home health care services may be provided to eligible overseas dependents of members of the uniformed services who are on active duty for a period of more than 30 days by home health providers authorized by the Secretary of Defense regardless of whether such providers provide such services in the manner and under the conditions described in section 1861(m) of the Social Security Act (42 U.S.C. 1395x(m));”.

(b) Hospice Care.—Section 1079(a)(15) of title 10, United States Code, is amended—
(1) by striking the period at the end and inserting “‘(A) Except as provided in subparagraph (B), hospice care’; and”;
(2) by adding at the end the following new subparagraph:
“(B) With respect to dependents who are overseas, hospice care may be provided in such manner and under such conditions as the Secretary of Defense determines;”;
(ii) with respect to facilities overseas, hospice care services may be provided to eligible overseas dependents of members of the uniformed services who are on active duty for a period of more than 30 days, the Secretary of Defense may establish a system of multiple provider networks to provide comprehensive long-term care services to such dependents.

SEC. 721. REVISIONS TO TRICARE PROVIDER NETWORKS.
(a) TRICARE SELECT.—Section 1075 of title 10, United States Code, is amended—
(1) by redesignating subsection (h) as subsection (i); and
(2) by inserting after subsection (g) the following new subsection:
“(h) AUTHORITY FOR MULTIPLE NETWORKS IN THE SAME GEOGRAPHIC AREA.—(1) The Secretary may establish a system of multiple provider networks under TRICARE Select in one or more different geographic areas over which care is delivered.
“(2) Under a system established under paragraph (1), the Secretary may require covered beneficiaries enrolling in TRICARE Select to enroll in a specific provider network established under such system, to the extent that such provider network is deemed to be a part of a network of provider networks under TRICARE Select in another geographic area.

SEC. 722. IMPLEMENTATION OF AN INTEGRATED TRICARE PROGRAM THROUGH EFFECTIVE MARKET MANAGEMENT.
(a) In General.—Not later than April 1, 2022, the Secretary of Defense, acting through the Director of the Defense Health Agency, shall implement integration of the direct care and purchased care components of the TRICARE program through effective management of geographic markets.
(b) Elements of Integration.—The integration actions required by subsection (a) shall include the following elements:
(1) Designation by the Director of the Defense Health Agency of a single market manager for each geographic market who shall—
(A) report to the Director, through the Assistant Director for Health Care Administration;
(B) be under the authority, direction, and control of the Director; and
(C) be responsible for the development and implementation of a market management plan for the geographic market.
(2) Determinations by the Director, with the assistance of the market manager for the geographic market concerned, that in carrying out section 1074d of title 10, United States Code, and section 704 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 1074d), the TRICARE program through effective market management has the capacity and capability to meet the needs of
covered beneficiaries affected by the restruct
ure or realignment of infrastructure or modi
fication of services of the military medical
treatment facility involved.

(3) Authorization and appropriation of the re-

quirements under section 725 of the National
Defense Authorization Act for Fiscal Year
2017 (Public Law 114–328; 10 U.S.C. 1074
note).

(A) to ensure that health care services pro-

vided through military medical treatment faci
ilities maintain the critical wartime med
ical readiness skills and core competencies of
health care providers within the Armed Forces;

(B) to meet the health care needs of cov

ered beneficiaries enrolled in the TRICARE
program, subject to meeting the medical readi
ness requirements of the Armed Forces; and

(C) to maintain the level of care required by

such section in facilities in foreign coun
tries.

(4) With respect to TRICARE Prime—

(A) development of a streamlined and ef

ective system of patient referrals for cov
ered beneficiaries enrolled in TRICARE
Prime, particularly with respect to referrals
from a primary care provider in the TRICARE
Prime specialty care program to a provi
dor at a military medical treatment facili
ty for specialty care services available at
the military medical treatment facility; and

(B) sharing of information of enrollment of
covered beneficiaries in geographic areas
where the Director determines that such enrollment is appropriate to sup
port the effective operation of one or more
military medical treatment facilities.

c. Definitions.—In this section:

(1) DEPARTMENT OF DEFENSE; TRICARE PRIME;
TRICARE PROGRAM.—The terms "covered ben
eficiary", "TRICARE Prime", and "TRICARE pro
gram" have the meanings given to those terms in section 1072 of title 10,
United States Code.

(2) GEOGRAPHIC MARKET.—The term "geo
graphic market", with respect to the TRICARE
program, has the meaning given that term by the Director of the Defense
Health Agency and shall include one or more
inpatient military medical treatment facili
ties.

§ 723. ESTABLISHMENT OF CENTERS OF EX
CELLENCE FOR ENHANCED TREAT
MENT OF OCULAR INJURIES.

(a) In General.—Not later than October 1,
2022, the Secretary of Defense, acting through the Director of the Defense
Health Agency, shall establish within the Defense Health Agency the
Defense Health Agencymulticenter centers of excellence for the enhanced treat
ment of—

(1) ocular wounds or injuries; and
(2) vision dysfunction related to traumatic
brain injury.

(b) LOCATION OF CENTERS.—Each center of
excellence established under subsection (a)
shall be located at a military medical center that provides graduate medical educa
tion in ophthalmology and its related subspecialties and shall be a center for pro
viding specialized medical services for vision for
members of the Armed Forces in the region in which the center of excellence is
located.

c. POLICIES FOR REFERRAL OF BEN
EFICIARIES.—Not later than October 1,
2022, the Director of the Defense Health Agency shall publish on a publicly available internet
website of the Department of Defense poli
cies for the referral of eligible beneficiaries of
the Department to centers of excellence established under subsection (a)
among the centers of excellence established under such subsection at the level re
quired for the enduring medical sup
port of each such center.

(d) REPORT.—Not later than December 31,
2022, the Secretary of Defense shall submit to the Committees on Armed Services of the
Senate and the House of Representatives a report that:

(1) describes the establishment of each cen
ter of excellence established under subsec
tion (a), to include the location, capa
bility, and capacity of each center;

(2) describes the referral policy published by
the Defense Health Agency under subsec
tion (c);

(3) identifies the medical personnel billets
identified under subsection (d); and

(4) provides a plan for staffing of personnel
at such centers to ensure the enduring med
ical support of each such center.

(f) MILITARY MEDICAL CENTER DEFINED.—In
this section, the term "military medical cen
ter" means a medical center described in
section 1073d(b) of title 10, United States
Code.

SEC. 724. MANDATORY TRAINING ON HEALTH EF
FECTS OF BURN PITS.

The Secretary of Defense shall provide to each medical provider of the Department of
Defense mandatory training with respect to the health effects of burn pits.

SEC. 725. REMOVAL OF REQUIREMENT FOR ONE
YEAR OF PARTICIPATION IN CERTAIN WEL
NESS AND LIFESTYLE IN
CENTIVE PROGRAMS OF THE DE
FENSE DEPARTMENT FOR RE
CEIVE BENEFITS UNDER SUCH PRO
GRAMS.

Section 729 of the National Defense Au
thorization Act for Fiscal Year 2017 (Public
Law 114–328; 10 U.S.C. 1074 note) is amended
by inserting after subsection (a)(1), by striking, "in the previous year";

(2) in subsection (b), by striking, "in the previous year"; and

(3) in subsection (c), by striking, "in the previous year".

SEC. 726. AUTHORITY OF SECRETARY OF DE
FENSE AND SECRETARY OF VET
ERANS AFFAIRS TO ENTER INTO AGREEMENTS FOR PLANNING, DE
SIGNS AND CONSTRUCTION OF FAC
ILITIES TO BE OPERATED AS SHARED MEDICAL FACILITIES.

(a) AUTHORITY OF SECRETARY OF DE
FENSE.—

(1) IN GENERAL.—Chapter 55 of title 10,
United States Code, is amended by inserting after section 8111A the following new
section:

"§ 8110a. Shared medical facilities with De
partment of Veterans Affairs.

"(a) AGREEMENTS.—Secretary of Defense may enter into agreements with the Secre
tary of Veterans Affairs for the planning, design, and construction of facilities to be
operated as shared medical facilities.

"(b) TRANSFER OF FUNDS BY SECRETARY OF DE
FENSE.—(1) Any amount transferred to the Secretary of Veterans Affairs under subsec
tion (b) and any amount transferred to the Secretary of Defense under subsection (c)
shall be merged with and available for the same purposes and the same period as the appro
priation or fund to which transferred.

"(c) APPROPRIATION IN ADVANCE.—Amounts
may be transferred pursuant to this section only to the extent and in the amounts provided in advance in appro
priations Acts.

"(d) SHARED MEDICAL FACILITY DEFINED.—
In this section, the term 'shared medical fac
ility'—

(1) means a building or buildings, or a

campus, intended to be used by both the De
partment of Veterans Affairs and the Depart
ment of Defense for the provision of health
care services, whether under the jurisdic
tion of the Secretary of the Army, the Secre
try of the Air Force, the Secretary of the
Navy, the Secretary of Defense, and whether or not
located on a military installation or on real
property under the jurisdiction of the Secre
try of Veterans Affairs or the Department of Defense;

(2) includes any necessary building and auxiliary
structure, garage, parking facility, mechanical equipment, abutting and covered
sidewalks, and accommodations for attend
ing personnel.".

(b) AUTHORITY OF SECRETARY OF VET
ERANS AFFAIRS.—

(1) IN GENERAL.—Chapter 81 of title 38,
United States Code, is amended by inserting after section 8111A the following new
item:

"§ 8111B. Shared medical facilities with De
partment of Defense.

"(a) AGREEMENTS.—The Secretary of Veterans Affairs may enter into agreements with the Secre
try of Defense for the planning, design, and construction of facilities to be
operated as shared medical facilities.

"(b) TRANSFER OF FUNDS BY SECRETARY OF VET
ERANS AFFAIRS.—(1) The Secretary of Veterans Affairs may transfer to the Secretary of Defense amounts as follows:

"(A) For the construction of a shared med
ical facility, amounts not in excess of the
amount authorized under subsection (a)(2) of
section 2805 of this title, if

(1) the amount estimated by the Secre
try of Defense for the estimated cost of the
project does not exceed the amount author
ized under such subsection; and

(2) the requirements of such sec
tion have been met with respect to funds
identified for transfer.

"(B) For the planning, design, and con
struction of facilities to be operated as shared medical facil
ity, amounts appropriated for the Defense Health Program.

"(2) The authority to transfer funds under
this section is in addition to any other au
thority to transfer funds available to the
Secretary of Defense.

"(c) TRANSFER OF FUNDS TO SECRETARY OF DE
FENSE.—(1) Any amount transferred to the Secretary of Defense by the Secretary of Veterans Affairs for necessary expenses for
the planning, design, and construction of a shared medical facility, if the amount of the
share of the Department of Defense for the cost of such project does not exceed the
amount specified in section 2805(a)(2) of this title, may be credited to accounts of
the Department of Defense available for the con
struction of a shared medical facility.

"(2) Any amount transferred to the Secre
try of Defense by the Secretary of Veter
ans Affairs for the purpose of the planning and design of space for a shared medical fa
cility may be credited to accounts of the De
partment of Defense available for such pur
poses, and may be used for such purposes.

"(3) Using accounts credited with transfers from the Secretary of Veterans Affairs under
paragraph (1), the Secretary of Defense may carry out unspecified minor military con
struction projects, if the share of the Depart
ment of Defense for the cost of such project does not exceed the amount specified in
section 2805(a)(2) of this title.

"(d) MERGER OF AMOUNTS TRANSFERRED.—
Any amount transferred to the Secretary of Veterans Affairs under subsection (b) and
any amount transferred to the Secretary of Defense under subsection (c) shall be merged
with and available for the same purposes and the same period as the appropriation or fund
to which transferred.

"(e) APPROPRIATION IN ADVANCE.—Amounts
may be transferred pursuant to this section only to the extent and in the amounts provided in advance in appro
priations Acts.

"(f) SHARED MEDICAL FACILITY DEFINED.—
In this section, the term 'shared medical fac
ility'—

(1) means a building or buildings, or a

campus, intended to be used by both the De
partment of Veterans Affairs and the Depart
ment of Defense for the provision of health
care services, whether under the jurisdic
tion of the Secretary of the Army, the Secre
try of the Air Force, the Secretary of the
Navy, the Secretary of Defense, and whether or not
located on a military installation or on real
property under the jurisdiction of the Secre
try of Veterans Affairs or the Department of Defense;

(2) includes any necessary building and auxiliary
structure, garage, parking facility, mechanical equipment, abutting and covered
sidewalks, and accommodations for attend
ing personnel.".
Veterans Affairs may transfer to the Department of Defense amounts appropriated to the Department of Veterans Affairs for ‘Construction, minor projects’ for use for the planning, design, or construction of a shared medical facility if the estimated share of the project costs of the Department of Veterans Affairs exceeds the amount specified in section 8104(a)(3)(A) of this title.

‘(2) The Secretary of Veterans Affairs may transfer to the Department of Defense amounts appropriated to the Department of Veterans Affairs for ‘Construction, major projects’ for use for the planning, design, or construction of a shared medical facility if—

(A) the estimated share of the project costs of the Department of Veterans Affairs exceeds the amount specified in section 8104(a)(3)(A) of this title; and

(B) the other requirements of section 8104 of this title have been met with respect to amounts identified for transfer.

‘(c) TRANSFER OF FUNDS TO SECRETARY OF VETERANS AFFAIRS.—(1) Any amount transferred to the Secretary of Veterans Affairs by the Secretary of Defense for necessary expenses for the planning, design, or construction of a shared medical facility, if the estimated share of the project costs of the Department of Veterans Affairs does not exceed the amount specified in section 8104(a)(3)(A) of this title, may be credited to the ‘Construction, major projects’ account of the Department of Veterans Affairs and used for the necessary expenses of constructing such shared medical facility.

‘(2) Any amount transferred to the Secretary of Defense for necessary expenses for the planning, design, or construction of a shared medical facility, if the estimated share of the project costs of the Department of Veterans Affairs exceeds the amount specified in section 8104(a)(3)(A) of this title, may be used in the ‘Construction, major projects’ account of the Department of Veterans Affairs and used for the necessary expenses of constructing such shared medical facility if the other requirements of section 8104 of this title have been met with respect to amounts identified for transfer.

‘(d) MERGER OF AMOUNTS TRANSFERRED.—Any amount transferred to the Secretary of Defense under subsection (b) and any amount transferred to the Secretary of Veterans Affairs under subsection (c) shall be merged with and available for the same purposes and the same period as the appropriation or fund to which transferred.

‘(e) APPROPRIATION IN ADVANCE.—Amounts may be transferred pursuant to the authority under this section only to the extent and in the amounts provided in advance in appropriation Acts.

‘(f) SHARED MEDICAL FACILITY DEFINED.—In this section, the term ‘shared medical facility’—

‘(1) means a building or buildings, or a campus, intended to be used by both the Department of Veterans Affairs and the Department of Defense for the provision of health care services, whether under the jurisdiction of the Secretary of Veterans Affairs or the Secretary of Defense, and whether or not located on a military installation or on real property under the jurisdiction of the Secretary of Veterans Affairs; and

‘(2) includes any necessary building and auxiliary facilities, parking facility, mechanical equipment, abutting and covered sidewalks, and accommodations for attending personnel.

‘(g) PLEA OF AMENDMENT.—The table of sections at the beginning of subsection I of chapter 81 of such title is amended by inserting after the item relating to section 811A the following new item:

‘811B. Shared medical facilities with Department of Defense.’.

SEC. 727. CONSISTENCY IN ACCOUNTING FOR MEDICAL REIMBURSEMENTS RECEIVED BY MILITARY MEDICAL TREATMENT FACILITIES FROM OTHER FEDERAL AGENCIES.

(a) IN GENERAL.—Section 1085 of title 10, United States Code, is amended—

(1) in the section heading, by striking ‘reimbursement’ and inserting ‘charges for care’;

(2) by striking ‘If a member’ and inserting ‘(a) COLLECTION OF FEES.—(1) If a member’;

(3) in subsection (a), as designated by paragraph (2)—

(A) by striking ‘inpatient medical or dental care in a facility’ and inserting ‘inpatient or outpatient medical or dental care at or through a facility’;

(B) by striking ‘the appropriation for’ and inserting ‘the executive department’;

(C) by striking ‘shall be reimbursed’ and inserting ‘shall charge and collect fees’; and

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

‘(2) Amounts collected by an executive department under paragraph (1) shall be credited to the appropriation account currently available for obligation that is used to support the maintenance and operation of facilities at a Department of Veterans Affairs facility provided the medical or dental care described in such paragraph.’;

and

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

‘(b) ESTABLISHMENT OF RATES.—(1) If an executive department incurs expenses in providing medical or dental care described in paragraph (2) or (3), the executive department may charge and collect fees at rates established by the Secretary of such department to reflect the cost of providing or making available the care, as determined by such Secretary.

‘(2) The care described in this paragraph is inpatient or outpatient medical or dental care provided at or through a facility under the jurisdiction of the Secretary of Defense to a person who is entitled to receive medical or dental care at a facility under the jurisdiction of another Federal agency.

‘(3) The care described in this paragraph is inpatient or outpatient medical or dental care provided at or through a facility under the jurisdiction of the Department of Veterans Affairs to an individual or an individual’s family member if the individual or family member described in subsection (a) diagnosed with an anomalous health condition or a related affliction, whether diagnosed under an assessment under subsection (a) or otherwise, is entitled to receive health care services under section 1704(e) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2567), as most recently amended by section 732 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1460), is amended by striking ‘September 30, 2023’ and inserting ‘September 30, 2023’.


‘(d) COMPTROLLER GENERAL STUDY ON IMPLEMENTATION OF DEFENSE OF RECENT STATUTORY REQUIREMENTS TO REFORM THE MILITARY HEALTH SYSTEM.

SEC. 741. ACCESS BY UNITED STATES GOVERNMENT EMPLOYEES AND THEIR FAMILY MEMBERS TO CERTAIN FACILITIES OF DEPARTMENT OF DEFENSE FOR ASSESSMENT AND TREATMENT OF ANOMALOUS HEALTH CONDITIONS.

(a) REQUIREMENT.—The Secretary of Defense shall provide to employees of the United States Government, and members who the Secretary determines are experiencing symptoms of certain anomalous health conditions, as defined by the Secretary, purposes of assessing or providing timely access for medical assessment, subject to space availability, to the National Intrepid Center of Excellence, an Intrepid Spirit Center, or an appropriate medical treatment facility, as determined by the Secretary.

(b) TREATMENT.—With respect to an individual described in subsection (a) diagnosed with an anomalous health condition or a related affliction, whether diagnosed under an assessment under subsection (a) or otherwise, the Secretary of Defense shall furnish to the individual treatment for the condition or affliction, subject to space availability, at the National Intrepid Center of Excellence, an Intrepid Spirit Center, or an appropriate medical treatment facility pursuant to subsection (a) by not later than 60 days after the date of the enactment of this Act.

‘(e) MODIFICATION OF DEPARTMENT OF DEFENSE TRAUMA REGISTRY.—The Secretary of Defense shall modify the Trauma Registry of the Department of Defense to include data on the demographics, condition-producing event, diagnosis and treatment, and outcomes of anomalous health conditions experienced by employees of the United States Government and their family members as assessed or treated under this section, subject to an agreement by the employing agency and the consent of the employee.

‘(g) MODIFICATION OF DEPARTMENT OF DEFENSE TRAUMA REGISTRY.—The Secretary of Defense shall modify the Trauma Registry of the Department of Defense to include data on the demographics, condition-producing event, diagnosis and treatment, and outcomes of anomalous health conditions experienced by employees of the United States Government and their family members as assessed or treated under this section, subject to an agreement by the employing agency and the consent of the employee.

‘(h) OTHER FEDERAL AGENCIES.— (1) Means a building or buildings, or a campus, intended to be used by both the Department of Veterans Affairs and the Department of Defense for the provision of health care services, whether under the jurisdiction of the Secretary of Veterans Affairs or the Secretary of Defense, and whether or not located on a military installation or on real property under the jurisdiction of the Secretary of Veterans Affairs; and

‘(2) includes any necessary building and auxiliary facilities, parking facility, mechanical equipment, abutting and covered sidewalks, and accommodations for attending personnel.

‘(i) PLEA OF AMENDMENT.—The table of sections at the beginning of subsection I of chapter 81 of such title is amended by inserting after the item relating to section 811A the following new item:

‘811B. Shared medical facilities with Department of Defense.’.

‘(b) ESTABLISHMENT OF RATES.—(1) If an executive department incurs expenses in providing medical or dental care described in paragraph (2) or (3), the executive department may charge and collect fees at rates established by the Secretary of such department to reflect the cost of providing or making available the care, as determined by such Secretary.

‘(2) The care described in this paragraph is inpatient or outpatient medical or dental care provided at or through a facility under the jurisdiction of the Secretary of Defense to a person who is entitled to receive medical or dental care at a facility under the jurisdiction of another Federal agency.

‘(3) The care described in this paragraph is inpatient or outpatient medical or dental care provided at or through a facility under the jurisdiction of the Department of Veterans Affairs to an individual or an individual’s family member if the individual or family member described in subsection (a) diagnosed with an anomalous health condition or a related affliction, whether diagnosed under an assessment under subsection (a) or otherwise, is entitled to receive health care services under section 1704(e) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2567), as most recently amended by section 732 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1460), is amended by striking ‘September 30, 2023’ and inserting ‘September 30, 2023’.

‘(d) COMPTROLLER GENERAL STUDY ON IMPLEMENTATION OF DEFENSE OF RECENT STATUTORY REQUIREMENTS TO REFORM THE MILITARY HEALTH SYSTEM.

SEC. 743. COMPTROLLER GENERAL STUDY ON IMPLEMENTATION OF DEFENSE OF RECENT STATUTORY REQUIREMENTS TO REFORM THE MILITARY HEALTH SYSTEM.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study on the implementation of Defense of statutory requirements to reform the military health system contained in a covered Act.

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

(A) A compilation of a list of, and citation for, each statutory requirement of the military health system contained in a covered Act.
(B) An assessment of the extent to which such requirement was implemented, or is currently being implemented.
(C) An evaluation of the actions taken by the Secretary of Defense to assess and determine the effectiveness of actions taken pursuant to such requirement.
(D) Such other matters in connection with the implementation of such requirement as the Comptroller General considers appropriate.

(b) BRIEFING AND REPORT.—
(1) BRIEFING.—Not later than May 1, 2022, the Comptroller General shall brief the Committees on Armed Services of the Senate and the House of Representatives on the status of the study conducted under subsection (a).
(2) REPORT.—Not later than May 1, 2023, 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) that includes the elements specified in paragraph (2) of such subsection.

(c) COVERED ACT DEFINED.—In this section, the term ‘‘covered Act’’ means any of the following:


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

Subtitle A—Acquisition Policy and Management

SEC. 801. REPEAL OF PREFERENCE FOR FIXED-PRICE CONTRACTS.

Section 801 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 2306 note) is hereby repealed.

SEC. 802. IMPROVING THE USE OF AVAILABLE DATA TO MANAGE AND FORECAST SERVICE CONTRACT REQUIREMENTS.

(a) IMPLEMENTATION REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall, except as provided under subsection (b), commence implementation of priority recommendation number 1 and priority recommendation number 2 of the Comptroller General of the United States, regarding preferences for commercial products and services, to accommodate multiple or unequal solutions; and uncertainty in requirements are treated; and
(b) ASSESSMENT OBJECTIVE.—The objective of the assessment is to enhance the innovation strategy of the Department of Defense to compete effectively against peer adversaries by rapidly adopting commercial advances in technology.
(c) ELEMENTS OF ASSESSMENT.—The assessment shall include a review of—
(1) policies, regulations, and oversight processes;
(2) acquisition workforce training and education;
(3) the role of requirements in determining acquisition pathways, including the ability to accommodate evolving commercial opportunities and reduce costs by rapidly adopting commercial advances in technology; and
(4) the role of competitive procedures and source selection procedures, including the ability to structure acquisitions to accommodate multiple or unequal solutions;

TITLES XI AND XII—CONSTRUCTION, MAINTENANCE, AND RELATED Matters

Subtitle B—Construction and Maintenance

Title XI—Construction and Maintenance

Title XII—Transportation

Title X—Research and Development

Title IX—Military Commissaries

Title VIII—Acquisition Policy, Acquisition Management, and Related Matters

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(3) execute the acquisition plans outlined in paragraph (2) and award agreements in an expedited manner; and
(4) establish mechanisms for projects under the pilot program to request permission to terminate agreements awarded under the pilot program, including processes to notify the congressional defense committees 30 days prior to the termination of agreements.

(d) PILOT PROGRAM ADVISORY GROUP.—The Under Secretary shall establish a pilot program advisory group to advise the Under Secretary on the selection, management, elements, data collection, and termination of projects, to include at least—
(1) one member from each military department, appointed by the Secretary of the military department concerned;
(2) one member appointed by the Under Secretary of Defense for Research and Engineering;
(3) one member appointed by the Under Secretary of Defense for Acquisition and Sustainment;
(4) one member appointed by the Director of the Strategic Capabilities Office of the Department of Defense;
(5) one member appointed by the Director of the Defense Advanced Research Projects Agency; and
(6) one member appointed by the Director of Operational Test and Evaluation.

(e) DEADLINE FOR APPOINTMENT.—Members of the advisory group shall be appointed not later than 30 days after the date of the establishment of the pilot program under subsection (a).

(f) INFORMATION TO CONGRESS.—
(A) The systems engineering plan required by subparagraph (B) shall include information for that acquisition program's—
(i) interfaces; and
(ii) data critical to the transition capability.

(B) The systems engineering plan required by subparagraph (B) shall be based on the technical plans for the project and shall include—
(i) a description of the program's ranking as low performing;
(ii) an assessment of the underlying causes of the program's poor performance;
(iii) a plan for addressing the program's challenges and improving performance, including specific actions that will be taken and proposed timelines for completing such actions.

(C) The systems engineering plan required by subparagraph (B) shall be submitted to the congressional defense committees 30 days after the date of the enactment of this Act, and not less than annually thereafter, the decision authority for each of the five acquisition programs ranked as the lowest performing in the report submitted under subsection (a) for that year shall submit to the congressional defense committees a report that includes the following:

(i) a description of the contributing factors of the program's poor performance;
(ii) an assessment of the underlying causes of the program's poor performance;
(iii) a plan for addressing the program's challenges and improving performance, including specific actions that will be taken and proposed timelines for completing such actions.

(D) The systems engineering plan required by subparagraph (B) shall include the following:

(i) Measurable baseline technical capability, based on the success criteria met pursuant to paragraph (1) of subsection (a), and prospective Program Executive Officers:

(1) Interfaces;
(2) Data critical to the transition capability, including an approximate cost and schedule.

(2) Discrete technical development activities necessary to progress from the baseline capability to the transition capability, including an approximate cost and schedule.

SEC. 805. ANNUAL REPORT ON HIGHEST AND LOWEST PERFORMING ACQUISITION PROGRAMS OF THE DEPARTMENT OF DEFENSE

(a) GENERAL.—Not later than January 31, 2023, and annually thereafter, the Secretary of Defense shall submit to the congressional defense committees a report that contains a ranking of the five highest performing and five lowest performing covered acquisition programs of the Department of Defense.

(b) RANKING CRITERIA.—
(1) The Secretary of Defense shall submit a report to the congressional defense committees that includes a description of the ranking criteria used for purposes of the report.

(2) INCLUSION IN REPORT.—The Secretary of Defense shall include in the report submitted under subsection (a) a description of the specific ranking criteria determined under paragraph (2), including a description of how those criteria are consistent with best acquisition practices.

(c) LOWEST PERFORMING ACQUISITION PROGRAMS.—Not later than April 1, 2023, and annually thereafter, the decision authority for each of the five acquisition programs ranked as the lowest performing in the report submitted under subsection (a) for that year shall submit to the congressional defense committees a report that includes the following:

(i) A description of the factors that contributed to the program's ranking as low performing;
(ii) An assessment of the underlying causes of the program's poor performance.

(3) A plan for addressing the program's challenges and improving performance, including specific actions that will be taken and proposed timelines for completing such actions.

SEC. 806. SYSTEMS ENGINEERING DETERMINATIONS

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

§ 2374b. Systems Engineering Determinations

(a) REQUIREMENT.—The Secretary of Defense shall ensure that any Department of Defense transaction entered into under an authority described in subsection (b) includes System Engineering Determinations as provided under subsection (c).

(b) COVERED AUTHORITIES.—The authorities described under this subsection are as provided under section 2430 of title 10, United States Code.

(c) SYSTEMS ENGINEERING DETERMINATIONS.—

(1) SYSTEMS ENGINEERING DETERMINATION ‘A’.—(A) The head of the Department of Defense activity that has technical oversight over a transaction covered under this section shall identify, in writing, not later than 30 days after such transaction is entered into, probable success criteria in writing with notice provided to the performer:

(i) ‘Endorse and refer’: Endorse the project and refer it to the most appropriate Systems Engineering Command, based on the technical attributes of the project and the associated potential military applications, based on meeting or exceeding the success criteria.

(ii) ‘Retain and extend’: Retain within the activity and extend the period of performance for a specified period of time in order to achieve the stated success criteria.

(iii) ‘Endorse and refer’: Endorse the project and refer it to the most appropriate Systems Engineering Command, based on the technical attributes of the project and the associated potential military applications, based on meeting or exceeding the success criteria.

(iv) ‘Discontinue’: Discontinue support, with rationale noted.

(b) DETERMINATION OF PROJECTS.—

(1) C OLLECTION AND ANALYSIS OF DATA.—

(A) The Secretary shall establish mechanisms to collect and analyze data on the execution of the pilot program for the purpose of—

(i) developing and sharing best practices for achieving goals established for the pilot program;

(B) providing information to the Secretary and the congressional defense committees on the execution of the pilot; and

(C) providing information to the Secretary and the congressional defense committees on related policy issues.

(2) DATA STRATEGY REQUIRED.—The Secretary may not execute the pilot program prior to the submission of a data strategy and a plan to meet the requirements of this subsection.

(b) TERMINATION.—The pilot program established under subsection (a) shall terminate not later than January 31, 2023, and annually thereafter, the Secretary of Defense shall submit to the congressional defense committees a report that contains a ranking of the five highest performing and five lowest performing covered acquisition programs of the Department of Defense.
“(ii) ‘Retain and extend’: Retain within the Command and extend the schedule for a specified period of time in order to achieve stated transition criteria with specific remedial or additional actions noted in the section.

“(iii) ‘Endorse and refer’: Endorse the item and refer to a Program Executive Officer, based on meeting or exceeding the transition criteria.

“(D) If the head of the Systems Engineering Command retained the project pursuant to subparagraph (C)(ii), the head of the Systems Engineering Command shall, at the end of the extension period—

“(1) take the action prescribed in subparagraph (C)(i) if the transition criteria are not met; or

“(2) take the action prescribed in subparagraph (C)(i) if the transition criteria are not met after such extension.

“(d) SYSTEMS ENGINEERING COMMAND DETERMINATIONS.—In this section, the term ‘Systems Engineering Command’ means the specific Department of Defense activity that specializes in the systems engineering of a system, subsystem, component, or capability area, including—

“(1) the Naval Warfare Centers;

“(2) the Army Combat Capabilities Development Command Centers; and

“(3) the Air Force Research Laboratory.

“(e) DETERMINATION.—The table of sections at the beginning of chapter 139 of this title is amended by adding after the item relating to section 2374a the following new item:

“2374b. Systems Engineering Determinations.”

“(f) TRANSFER.—

“(1) TRANSFER AND REDESIGNATION.—Section 2374b of title 10, United States Code, as added by subsection (a), is transferred to chapter 301 of such title, added after section 4004, as transferred and redesignated by section 184(a)(1) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), and redesignated as section 4005.

“(2) CONSEQUENTIAL AMENDMENTS.—

“(A) TARGET CHAPTER TABLE OF SECTIONS.—The table of sections at the beginning of chapter 301 of title 10, United States Code, as added by subsection (a), is further amended by striking ‘‘2374b. Systems Engineering Determinations.’’

“(B) ORIGINATION TABLE OF SECTIONS.—The table of sections at the beginning of chapter 139 of title 10, United States Code, as amended by subsection (a), is further amended by striking the item relating to section 2374b.

“(c) REPORT.—Not later than December 31, 2022, the Secretary of Defense shall submit to the congressional defense committees a report describing action taken pursuant to this section, as well as issues identified, policy changes proposed, justification for any proposed changes, and recommendations for legislative changes.

“SEC. 812. MODIFIED CONDITION FOR PROMPT CONTRACT PAYMENT ELIGIBILITY.

“Section 2307a(b)(1)(H) of title 10, United States Code, as amended by the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), is further amended by striking ‘‘if the prime contractor agrees or proposes to make payments to the subcontractor’’ and inserting ‘‘if the prime contractor agrees to make payments to the subcontractor’’.

“SEC. 813. EXCLUSION OF CERTAIN SERVICES FROM INTERGOVERNMENTAL SUPPORT AGREEMENTS FOR INSTALLATION-SUPPORT SERVICES.

“Section 2679(a)(3) of title 10, United States Code, is amended—

“(1) by striking ‘‘used when the Secretary concerned’’ and inserting ‘‘used when—

“(A) the Secretary concerned;’’,

“(2) in subparagraph (A), as designated by paragraph (1), by striking ‘‘the period at the end and inserting ‘‘; and’’; and

“(3) by adding at the end the following new subparagraph:

“(B) the installation-support services are not included on the procurement list established pursuant to section 833 of title 41.’’.

“SEC. 814. MODIFICATION OF PRIZE AUTHORITY FOR ADVANCED TECHNOLOGY ACHIEVEMENTS.

“Section 2374a of title 10, United States Code, is amended—

“(1) in subsection (a), by inserting ‘‘, including procurement agreements,’’ after ‘‘other types of prizes’’;

“(2) in subsection (b), in the first sentence, by inserting ‘‘and for the selection of recipients of procurement agreements’’ after ‘‘cash prizes’’; and

“(3) in subsection (c)(1), by inserting ‘‘without the approval of the Under Secretary of Defense for Research and Engineering’’ before the period at the end and inserting ‘‘under paragraph (1),’’; and

“(4) in subsection (c)(2), by striking ‘‘without requiring consideration’’ and inserting ‘‘under paragraph (1),’’.

“SEC. 815. COST OR PRICING DATA REPORTING IN DEPARTMENT OF DEFENSE CONTRACTS.


“(1) by striking ‘‘Upon the request of a contractor that was required to submit cost or pricing data under paragraph (1),’’ and inserting ‘‘Under paragraph (1),’’;

“(2) by striking ‘‘the contract as soon as practicable to reflect subparagraphs (B) and (C) of paragraph (1), without requiring consideration’’.

“SEC. 816. AUTHORITY TO ACQUIRE INNOVATIVE COMMERCIAL PRODUCTS AND SERVICES USING GENERAL SOLICITATION COMPETITIVE PROCUREMENTS.

“(a) AUTHORITY.—In general.—Chapter 140 of title 10, United States Code, is amended by adding at the end the following new section:

“23780. 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 using general solicitation competitive procedures.
and services through a competitive selection of proposals resulting from a general solicitation and the peer review of such proposals.

"(b) TREATMENT AS COMPETITIVE PROCEDURE.—A solicitation for the competitive procedures under subsection (a) shall be considered to be of use of competitive procedures under chapter 157 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) unless a written determination from the Under Secretary of Defense for Acquisition and Sustainment or the relevant service acquisition executive of the Secretary 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 contract.

"(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 for an activity under 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;

"(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."

"(f) Transfer and Redesignation.—Section 2380c of title 10, United States Code, as added by subsection (a), is further amended by striking the item relating to section 2380c.

"(g) CONFORMING AMENDMENTS TO INTERNAL CROSS-REFERENCES.—Section 2380c of title 10, United States Code, as added by subsection (a), is amended—

"(1) in subsection (b), by striking ‘‘chapter 137’’ and inserting ‘‘chapter 221’’; and

"(2) in subsection (c), by striking ‘‘section 2376(1)’’ and inserting ‘‘section 3451(1)’’."

"(h) EFFECTIVE DATE.—The transfer, redesignation, and amendments made by this subsection shall take effect on January 1, 2022.

"(i) REFERENCES; RULE OF CONSTRUCTION.—Sections 1883 through 1885 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283) shall apply with respect to the transfers, redesignations, and amendments made under this subsection as if such transfers, redesignations, and amendments were made under title XVIII of such Act.

"(j) REPEAL OF OBSOLETE AUTHORITY.—Section 679 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 10 U.S.C. 2302 note) is hereby repealed.

SEC. 817. REPORTING REQUIREMENT FOR DEFENSE ACQUISITION ACTIVITIES.

(a) PROCEDURES FOR IDENTIFYING CERTAIN ACQUISITIONS ACTIVITIES.—The Secretary of Defense shall establish procedures to identify all agreements awarded to entities through the use of a consortia (including agreements under the authority under section 2351 and 2371 of title 10, United States Code), individual task orders awarded under a contract (as defined in section 3204(d) of title 10, United States Code), and individual task orders issued to a federally funded research and development center.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, and not less than annually thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on the use of agreements and activities described in subsection (a) and associated funding.

(c) PUBLICATION OF INFORMATION.—Not later than one year after the date of enactment of this Act, the Secretary of Defense shall establish procedures to publically release information on individual agreements and activities described in subsection (a) and associated funding, unless such disclosure is determined inappropriate for individual agreements based on national security concerns.

SEC. 818. DEPARTMENT OF DEFENSE CONTRACT PROFESSIONAL TRAINING MATERIAL DISCLOSURE REQUIREMENT.

(a) PROHIBITION.—Effective immediately, each contractor who enters into or has entered into a contract with the Department of Defense to provide services shall make publicly available online at its website all diversity, equal opportunity, equity, inclusion, or tolerance training materials or internal memos, online sources, suggested reading lists, guest speakers and lecturers, instructor lists, internal policy memos, workshop descriptions, outside organizational funding, or other educational or professional materials for review and identification of Critical Race Theory or similar theoretical instruction in a timely manner. Should the contractor have no online presence, the contractor shall provide the materials in hard copy format to the Office of the Under Secretary of Defense for Acquisition and Sustainment in a timely manner.

(b) COVERED THEORIES.—The theories associated with Critical Race Theory and similar theories referred to in subsection (a) are the following theories:

"(1) Any race is inherently superior or inferior to any other race.

"(2) The United States of America is a fundamentally racist country.

"(3) The Declaration of Independence or the United States Constitution are fundamentally racist documents.

"(4) An individual’s moral character or worth is determined by his or her race.

"(5) An individual, by virtue of his or her race, is inherently racist or oppressive, whether consciously or unconsciously.

"(6) The Declaration of Independence or his or her race, bears responsibility for the actions committed by other members of his or her race.

SEC. 819. REPORT ON PLACE OF PERFORMANCE REQUIREMENTS.

(a) GUIDANCE AND TRAINING.—Not later than June 1, 2022, the Secretary of Defense shall implement guidance and necessary training to improve data reporting on contract place of performance.

(b) REPORT.—(1) IN GENERAL.—Not later than July 1, 2022, the Secretary of Defense shall submit to the congressional defense committees a report regarding place of performance requirements in Department of Defense contracts.

"(ii) An assessment of the extent to which revisions to guidance or regulations related to the use of place of performance clauses could improve the Department of Defense’s effectiveness and efficiency, including a description of such revisions.

SEC. 820. MULTIYEAR CONTRACT AUTHORITY FOR DEFENSE ACQUISITIONS SPECIFICALLY AUTHORIZED BY LAW.

Section 2306(b)(3) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(I) The quantity of end items that would be procured with such contract in each fiscal year of the future years defense program at the time of contract award will not decrease during the contract period of performance without prior approval from the congressional defense committees."

Subtitle C—Industrial Base Matters

SEC. 831. ADDITION OF CERTAIN ITEMS TO LIST OF HIGH PRIORITY GOODS AND SERVICES.

(a) ADDITIONAL ITEMS.—Section 891 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283) is amended—

"(1) in subsection (a)(1)—

"(A) by redesignating clauses (ii), (iii), and (iv) as clauses (iii), (iv), and (v), respectively; and

"(B) by inserting after clause (i) the following new clause:

"(ii) producers in the United States; and

"(3) in subsection (c)—

"(A) by redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively; and

"(B) by inserting after clause (i) the following new paragraph:

"(4) ‘beef products born, raised, and slaughtered in the United States.’"

"(5) Molybdenum and molybdenum alloys.

"(6) Optical transmission equipment, including optical fiber and cable equipment."
SEC. 832. PROHIBITION ON ACQUISITION OF PERSONAL PROTECTIVE EQUIPMENT FROM NON-ALLIED FOREIGN NATIONS.

(a) PROHIBITION.—

(1) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:—

"§ 2339d. Prohibition on acquisition of personal protective equipment and certain other items from non-allied foreign nations.

"(a) IN GENERAL.—As excepted as provided in subsection (c), the Secretary of Defense may not procure any covered item in any covered nation.

(b) APPLICABILITY.—Subsection (a) shall apply to prime contracts and subcontracts at any tier.

(c) EXCEPTIONS.—Subsection (a) does not apply under the following circumstances:

"(1) If the Secretary of Defense determines that covered materials of satisfactory quality and quantity, in the required form, cannot be procured as and when needed from nations other than covered nations to meet requirements at a reasonable price.

"(2) The purchase of a covered item for use outside of the United States.

"(3) Purchases for amounts not greater than $150,000. A proposed purchase or contract amount greater than $150,000 may not be divided into several purchases or contracts for lesser amounts in order to qualify for this exception.

"(d) DEFINITIONS.—In this section:

"(1) COVERED ITEM.—The term 'covered item' means an article or item of—

(2) PERSONAL PROTECTIVE EQUIPMENT.—Personal protective equipment for use in prevention of disease, such as exposure to infected individuals or contamination or infection by infectious material (including surgical masks, respirator masks and powered air purifying respirators and required filters, face shields and protective eyewear, surgical and isolation gowns, and head and foot coverings) or clothing, and the materials and components thereof, other than sensors, electronics, or other items added to and not normally associated with such personal protective equipment or clothing;

"(3) SANITIZING AND DISINFECTING WIPES.—Sanitizing and disinfecting wipes, test swabs, gauze, and bandages.

"(2) COVERED NATION.—The term 'covered nation' means—

(1) The Democratic People's Republic of North Korea;

(2) The People's Republic of China;

(3) The Russian Federation; and

(4) The Islamic Republic of Iran.

(2) CLECMICAL AMENDMENT.—The table of sections at the beginning of chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:—

"§ 2339e. Prohibition on acquisition of personal protective equipment and certain other items from non-allied foreign nations.

"(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, each service acquisition executive shall publish a default requirement that industry submit days and requests for information for acquisition programs and research and development efforts shall to the maximum extent practicable be open to defense contractors from the national technology and industrial base (NTIB), including when such contractors are acting as subcontractors in partnership with a United States contractor, provide with the Department's findings, in publicly releasable and controlled formats as necessary.

(b) POLICY.—The Secretary of Defense shall, to the extent practicable, develop or revise relevant policies to reduce fluctuations in the Department's annual procurements of dual-use items.

SEC. 833. ASSESSMENT OF REQUIREMENTS FOR CERTAIN ITEMS TO ADDRESS SUPPLY CHAIN VULNERABILITIES.

(a) DEFINITIONS.—In this section:

(1) DUAL USE.—The term 'dual use' has the meaning given in section 2500 of title 10, United States Code.

(2) NATIONAL SECURITY SYSTEM.—A national security system is a covered system as defined in section 2533c of title 10, United States Code.

(3) COVERED SYSTEM.—The term 'covered system' means any system that is covered under section 2500 of title 10, United States Code.

(b) REQUIREMENT.—The Secretary of Defense shall, in consultation with the congressional defense committees, evaluate the source of printed circuit boards when sourced from certain foreign nations.

(c) REGULATIONS.—Not later than October 1, 2022, the Secretary of Defense shall publish a final rule implementing the subsection.

SEC. 834. REQUIREMENT FOR INDUSTRY DAYS AND REQUESTS FOR INFORMATION TO BE OPEN TO ALLIED DEFENSE CONTRACTORS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, each service acquisition executive shall publish a default requirement that industry submit days and requests for information for acquisition programs and research and development efforts shall for all levels of acquisition

(b) REGULATIONS.—Not later than October 1, 2022, the Secretary of Defense shall publish a final rule implementing the subsection.
ensure that proprietary information is appropriately protected by the Department of Defense.

(d) PLAN REQUIRED.—Not later than October 1, 2022, the Secretary of Defense shall submit a plan for the implementation of this provision to the congressional defense committees.

SEC. 827. EMPLOYMENT TRANSPARENCY REGARDING INDIVIDUALS WHO PERFORM WORK IN THE PEOPLE’S REPUBLIC OF CHINA.

(a) DISCLOSURE REQUIREMENTS.—(1) INITIAL DISCLOSURE.—(A) IN GENERAL.—The Secretary of Defense shall require any covered entity to disclose if the entity employs one or more individuals who will perform work in the People’s Republic of China on a covered contract when it submits a bid or proposal for a covered contract.

(B) MATTERS TO BE INCLUDED.—Each disclosure under subparagraph (A) shall include—

(i) the total number of employees who will perform work in the People’s Republic of China funded by the Department of Defense; and

(ii) a description of the physical presence in the People’s Republic of China that meets the definition of a covered entity under subsection (a).

(2) RECURRING DISCLOSURES.—(A) IN GENERAL.—The Secretary of Defense shall require any covered entity that is party to one or more covered contracts to disclose for fiscal year 2023 and 2024 if the entity employs one or more individuals who will perform work in the People’s Republic of China on such contracts.

(B) MATTERS TO BE INCLUDED.—Each disclosure under subparagraph (A) shall include—

(i) the total number of employees who will perform work in the People’s Republic of China funded by the Department of Defense; and

(ii) a description of the physical presence in the People’s Republic of China that meets the definition of a covered entity under subsection (d)(2).

(3) AVAILABILITY TO PUBLIC.—All disclosures required under subsection (a) are submitted.

(b) DATA ON PHASE III AWARDS.—For each fiscal year, the Secretary of each military department shall collect and submit to the President for inclusion in the budget submitted to Congress under section 1105 of title 31, United States Code, for the fiscal year the data on the Phase III awards under the SBIR and STTR programs of the military department, which shall include—

(1) the cumulative funding amount for Phase III awards;

(2) the number of Phase III award topics;

(3) the total funding obligated for Phase III awards by State;

(4) the original Phase I or II award topics and the associated Phase III contracts awarded; and

(5) where possible, an identification of the specific program executive office involved in each Phase III transition.

SEC. 843. PILOT PROGRAM TO INCENTIVIZE EMPLOYEE OWNERSHIP IN DEFENSE CONTRACTING.

(a) DEFINITIONS.—In this section:

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

(A) the Committee on Armed Services of the Senate; and

(B) the Committee on Armed Services of the House of Representatives.

(2) QUALIFIED BUSINESS WHOLLY OWNED THROUGH AN EMPLOYER STOCK OWNERSHIP PLAN.—The term ‘‘qualified businesses wholly owned through an Employer Stock Ownership Plan’’ means an S corporation (as defined in section 1361(a)(1) of the Internal Revenue Code of 1986) for which 100 percent of the outstanding stock is held through an Employee Stock Ownership Plan, including the authority under subsection (b), including the qualified business wholly owned through an Employee Stock Ownership Plan, including the performance of the qualified business wholly owned through an Employee Stock Ownership Plan on the prior contract was rated as being satisfactory (or the equivalent) or better in the applicable past performance database.

(c) VERIFICATION AND REPORTING OF QUALIFIED BUSINESSES WHOLLY OWNED THROUGH AN EMPLOYER STOCK OWNERSHIP PLAN.—The Secretary of Defense shall prescribe such procedures as may be necessary for—

(1) businesses to verify that they are qualified businesses wholly owned through an Employee Stock Ownership Plan for the purposes of subsection (b) using existing Federal reporting mechanisms;

(2) a qualified business wholly owned through an Employee Stock Ownership Plan to verify that not more than 50 percent of the amount paid under the contract will be expended on subcontracts, subject to such necessary and reasonable waivers as the Secretary may prescribe; and

(3) recording information on each use of the authority under subsection (b), including details relevant to the nature of the contract and the qualified business wholly owned through an Employee Stock Ownership Plan, and providing such information to the Comptroller General of the United States.

(d) DATA.—(1) The Secretary shall establish mechanisms to collect and analyze data on the execution of the pilot program for the purposes of—

(A) developing and sharing best practices for the execution of the pilot program prior to completion of a data strategy and plan to meet the requirements of this subsection;

(B) providing information to leadership and the congressional defense committees on the execution of the pilot program, including—

(i) company size;

(ii) performance of contract; and

(iii) the contractor as determined effective or necessary; and

(C) providing information to leadership and the congressional defense committees on related policy issues.

(2) The Secretary may not execute the pilot program prior to completion of a data strategy and plan to meet the requirements of this subsection.

(e) SUNSET.—The authority under subsection (b) shall expire on the date that is five years after the date of the enactment of this Act.

(f) COMPTROLLER GENERAL OF THE UNITED STATES REPORT.—(1) IN GENERAL.—Not later than three years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the individual and aggregate uses of the authority under subsection (b), using such data as may be available up to that time.

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

(A) An assessment of the frequency and nature of the use of the authority under subsection (b).

(B) An assessment of the impact of such programs in supporting the National Defense Strategy.

(C) The number of businesses to become qualified businesses wholly owned through an Employee Stock Ownership Plan in order to qualify for the authority under subsection (b) and factors that influenced the decision.

(D) Acquisition authorities that could incentivize businesses to become qualified businesses wholly owned through an Employee Stock Ownership Plan, including the extension of the authority under subsection (b).

(E) Any related matters the Comptroller General considers appropriate.
SEC. 851. TECHNOLOGY PROTECTION FEATURES.

(a) STUDY REQUIRED.—Not later than July 1, 2022, the Secretary of Defense shall enter into an agreement with a federally funded research and development center to study technical debt in software-intensive systems.

(b) ACCESs TO DATA.-The study required under subsection (a) shall include analyses and recommendations on the following elements:

(1) Qualitative and quantitative measures which can be used to identify a desired future state for software-intensive programs.

(2) Qualitative and quantitative measures that can be used to assess technical debt and best practices for programs to make such data appropriately available for use.

(3) Forms of technical debt which are suitable for objective or subjective analysis.

(4) Current practices of Department of Defense acquisition programs to track and use data related to technical debt.

(5) Appropriate individuals or organizations that should be responsible for the identification and management of technical debt, including the organization responsible for independent assessments.

(6) Scenarios, frequency, or program phases when technical debt should be assessed.

(7) Best practices to identify and assess technical debt.

(8) Best practices to monitor the accumulating costs of technical debt.

(9) Criteria to support decisions by program officials on whether to incur, carry, or reduce technical debt.

(10) Criteria for the Department of Defense to incrementally adopt to initiate practices for managing technical debt.

(c) ACCESS TO DATA AND RECORDS.—The Secretary shall ensure that the federally funded research and development center selected shall have sufficient resources and access to technical data, individuals, organizations, and systems that the Department of Defense and the Department of the Army will include in any necessary updates to policy or guidance required to implement the proposed reporting approach.

(d) REPORT REQUIRED.—Not later than 18 months after entering the agreement under subsection (a), the Secretary shall submit to the congressional defense committees a report on the study required under subsection (b), along with any additional information and views as desired in publicly releasable and unclassified forms. The Secretary may also include a classified annex to the study as necessary.

(e) BRIEFING REQUIRED.—Not later than April 1, 2022, the Secretary shall provide a briefing to the congressional defense committees on activities undertaken to define, plan, and implement, any barriers, and resources to be provided to execute activities under this section.

SEC. 852. INDEPENDENT STUDY ON TECHNICAL DEBT IN SOFTWARE-INTENSIVE SYSTEMS.

(a) STUDY REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall review technical debt in software-intensive systems, including optical fiber and cable equipment, for potential inclusion on the list of covered communications equipment pursuant to section 2 of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1601), and make a determination as to whether or not such equipment should be included on the list.

(b) NOTIFICATION REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall notify the congressional defense committees of the findings of the review and determination required under subsection (a).

SEC. 853. DETERMINATION WITH RESPECT TO OPTICAL FIBER TRANSMISSION EQUIPMENT FOR DEPARTMENT OF DEFENSE PURPOSES.

(a) DETERMINATION.—Not later than fiscal year 2022, the Secretary of Defense shall assess whether or not to include fiber optic transmission equipment, including fiber optic and cable equipment, in the list of covered communications equipment.

(b) DEMONSTRATION REQUIRED.—(1) IN GENERAL.—Not later than March 1, 2022, the Secretary of Defense shall demonstrate the full operational capability of the replacement system that will replace the Selected Acquisition Report requirements under section 2342(b) of title 10, United States Code, as amended by subsection (a).

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

(A) The types of programs to be included in the demonstration.

(B) The demonstration's full suite of data sharing methodologies and pathways that are to be included.

(C) A determination of program performance and associated risks, to include, at a minimum, software development and cybersecurity risks, and an identification of any data elements that cannot be publicly released.

(D) The criteria to initiate, modify, or terminate reporting for programs, as appropriate, based on program characteristics, acquisition methodology or pathway being used, cost growth or changes, and program performance.

(E) The mechanisms by which reporting will be provided to the congressional defense committees and other external users, including—

(i) Identification of types of organizations that will have access to the system, including those outside the Department of Defense;

(ii) How the system will be accessed by users, including those outside the Department of Defense;

(iii) How those users will be trained on the use of the system and what level of support will be available for users on an ongoing basis;

(iv) The data, information, and analytical capabilities supported by the system;

(v) Identification and description of—

(A) The organizations responsible for implementing and overall operation of the system;

(B) The mechanisms by which reporting, including those outside the Department of Defense;

(C) The organizations responsible for entering data into the system and ensuring that data is entered into the system in a timely fashion;

(D) The schedule and milestones for implementation;

(E) Resources required, including personnel and funding;

(F) Implementation risks and how they will be mitigated;

(vi) Any necessary updates to policy or guidance required to implement the proposed reporting approach; and

(vii) Any legislative changes required to implement the proposed reporting approach.

SEC. 854. TWO-YEAR EXTENSION OF SELECTED ACQUISITION REPORT REQUIREMENTS.

(a) EXTENSION.—Section 2432(j) of title 10, United States Code, is amended by striking "fiscal year 2021" and inserting "fiscal year 2023".

(b) DEMONSTRATION REQUIRED.—(1) IN GENERAL.—Not later than March 1, 2022, the Secretary of Defense shall provide to the congressional defense committees a demonstration of the full operational capability of the reporting system that will replace the Selected Acquisition Report requirements under section 2342(b) of title 10, United States Code, as amended by subsection (a).

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

(A) The findings of the report required under section 833(b) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1492).

(B) A demonstration of the replacement system's full suite of data sharing methodologies and pathways that are to be included. The demonstration shall include—

(i) The organizations responsible for entering program data into the reporting system.

(ii) How those users will be trained on the use of the system and what level of support will be available for users on an ongoing basis.

(iii) The data, information, and analytical capabilities supported by the system.

(iv) Resources required, including personnel and funding;

(v) Implementation risks and how they will be mitigated;

(vi) Any necessary updates to policy or guidance required to implement the proposed reporting approach; and

(vii) Any legislative changes required to implement the proposed reporting approach.

SEC. 855. MILITARY STANDARDS FOR HIGH-HARDNESS ARMOR IN COMBAT VEHICLE SPECIFICATIONS.

(a) IN GENERAL.—Not later than March 31, 2022, the Secretary of the Army shall establish military standards for high-hardness armor for incorporation into specifications for existing and future combat vehicles developed and procured by the Department of the Army.

(b) REPORT REQUIRED.—Not later than June 30, 2022, the Secretary of the Army shall provide a report to the congressional defense committees that describes—

(1) The establishment of military standards for high-hardness armor required pursuant to subsection (a); and

(2) The strategy for incorporation of those standards into combat vehicle specifications.

(c) COMBAT VEHICLE DEFINED.—For purposes of this section, the term "combat vehicle" means a tracked or wheeled tactical vehicle incorporating high-hardness armor in its manufacture.
SEC. 556. REVISIONS TO THE UNITED FACILITIES CRITERIA REGARDING THE USE OF VARIABLE REFRIGERANT FLOW SYSTEMS.—(a) In General.—The Under Secretary of Defense for Acquisition and Sustainment shall publish any proposed revisions to the United Facilities Criteria regarding the use of variable refrigerant flow systems in the Federal Register and shall specify a comment period of at least 60 days.

(b) Notice.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives written notice and justification for any proposed revisions to the United Facilities Criteria regarding the use of variable refrigerant flow systems not later than 30 days after the date of publication in the Federal Register.

TITLe IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

SEC. 901. CHANGE IN ELIGIBILITY REQUIREMENTS FOR APPOINTMENT TO CERTAIN DEPARTMENT OF DEFENSE LEADERSHIP POSITIONS.—(a) Assistant Secretary of Defense for Special Operations and Low Intensity Conflict.—Section 323(b)(2)(A) of title 10, United States Code, is amended by striking the third sentence the following: “A person may not be appointed as Assistant Secretary within seven years after relief from active duty as a commissioned officer of a regular component of the armed forces.”

(b) Secretary of the Army.—Section 7013(a)(2) of title 10, United States Code, is amended by striking “five” and inserting “seven”.

(c) Secretary of the Navy.—Section 8013(a)(2) of title 10, United States Code, is amended by striking “five” and inserting “seven”.

(d) Secretary of the Air Force.—Section 9013(a)(2) of title 10, United States Code, is amended by striking “five” and inserting “seven”.

(e) Technical Corrections Relating to Other Positions.—(1) Under Secretary of Defense (Comptroller).—Section 3136(a)(1) of title 10, United States Code, is amended by striking “the armed forces” and inserting “an armed force”.

(2) Under Secretary of Defense for Personnel and Readiness.—Section 3136(a) of title 10, United States Code, is amended by striking “the armed forces” and inserting “an armed force”.

(3) Under Secretary of Defense for Intelligence and Security.—Section 3137(a) of title 10, United States Code, is amended by striking “the armed forces” and inserting “an armed force”.

SEC. 902. RENAMING OF AIR NATIONAL GUARD TO AIR AND SPACE NATIONAL GUARD.—(a) Title 10.—Title 10, United States Code, is amended—

(1) in the section headings, by striking “Air National Guard” each place it appears and inserting “Air and Space National Guard”; and

(2) in the tables of sections, by striking “Air National Guard” each place it appears and inserting “Air and Space National Guard”;

(b) Title 38.—Title 38, United States Code, is amended by striking “Air National Guard” each place it appears and inserting “Air and Space National Guard”.
addition to the compensation received by the member for the service of the member as an officer or employee of the United States.

"(6) MEETINGS.—The Council shall meet quarterly upon request of the chairperson or at the call of the chairperson.

"(c) CHAIRPERSON AND VICE CHAIRPERSON.—

"(1) CHAIRPERSON.—

"(A) IN GENERAL.—The Secretary of Defense shall select one of the members of the Council who is a member of the armed forces to serve as chairperson of the Council.

"(B) TERM.—The chairperson shall serve for a term of two years.

"(2) RESPONSIBILITIES OF CHAIRPERSON.—In addition to serving as the head of the Council, the chairperson shall—

"(i) serve as the Director of Aviation Safety for the Department of Defense;

"(ii) serve as principal advisor to the Secretary of Defense regarding military aviation safety and related regulations and policy reforms, including issues regarding maintenance, supply chains, personnel management, and training;

"(iii) oversee all duties and activities of the Council including conduct of military aviation safety regulation and issuance of safety guidance to services;

"(iv) work with and advise the Secretaries of the military departments through appointment of representatives to implement standardized aviation safety guidance across all military departments;

"(v) submit an annual report to the Secretary of Defense regarding the completion of each military department with the guidance described in clause (iv);

"(vi) advise Congress on issues related to military aviation and aviation safety guidance and reforms;

"(vii) oversee coordination with other Federal agencies, including the Federal Aviation Administration, to inform military aviation safety and regulation and reforms.

"(2) VICE CHAIRPERSON.—

"(A) IN GENERAL.—The individual appointed under subsection (b)(1); shall serve as vice chairperson of the Council.

"(B) RELATIONSHIP TO CHAIRPERSON.—The vice chairperson of the Council shall report to the chairperson and serve as chairperson in the absence of the chairperson selected under subparagraph (A).

"(d) RESPONSIBILITIES OF COUNCIL.—

"(1) IN GENERAL.—Subject to subsection (e), the Council shall be responsible for issuing, publishing, and implementing regulations regarding military aviation safety, including regulations on the reporting and investigation of aviation mishaps.

"(2) SHARING OF AVIATION SAFETY DATA.—The chairperson of the Council may enter into agreements with the Federal Aviation Administration, the National Transportation Safety Board, and any other Federal agency regarding the sharing of aviation safety data.

"(3) PRIVILEGE OF DATA.—Except for such data as the Secretary of Defense may choose to provide for use in any other provision of law, data collected by the Council under this subsection shall be privileged from disclosure or discovery to any person.

"(4) TIMELINE FOR ESTABLISHMENT.—The Council shall have access to databases of the Department of Defense that are necessary to carry out the duties of the Council.

"(2) SHARING OF AVIATION SAFETY DATA.—Under regulations prescribed by the Secretary of Defense, the Council may enter into agreements with the Federal Aviation Administration, the National Transportation Safety Board, and any other Federal agency regarding the sharing of aviation safety data.

"(3) PRIVILEGE OF DATA.—Except for such data as the Secretary of Defense may choose to provide for use in any other provision of law, data collected by the Council under this subsection shall be privileged from disclosure or discovery to any person.

"(4) TIMELINE FOR ESTABLISHMENT.—The Council shall have access to databases of the Department of Defense that are necessary to carry out the duties of the Council.

"(d) FUNDING.—The amount authorized to be appropriated for fiscal year 2022 by this Act for military personnel appropriations is hereby increased by $4,000,000, with the amount of the increase to be available for the Joint Aviation Safety Council established under section 184 of title 10, United States Code, as added by subsection (d).

SEC. 904. ASSIGNMENTS FOR PARTICIPANTS IN THE JOHN S. MCCAIN STRATEGIC DEFENSE FELLOWS PROGRAM.


(1) in paragraph (2)—

(A) by striking ‘‘and’’ and inserting ‘‘and’’;

(B) by striking ‘‘Secretary of Defense and from other Federal’’ and inserting ‘‘Secretary of Defense, and from other Federal’’; and

(C) by striking ‘‘Secretary of Defense, and other officials, as designated by the Secretary of Defense, within the Office of the Secretary of Defense (as defined in section 101 of title 10, United States Code) who report directly to the Secretary of Defense’’; and

(D) by striking ‘‘Secretary of Defense’’ and inserting ‘‘Secretary of Defense, and other officials within the Office of the Secretary of Defense’’; and

(2) in paragraph (3)—

(A) by striking ‘‘Under Secretaries and Directors’’ and inserting ‘‘Under Secretary of Defense and other officials within the Office of the Secretary of Defense’’; and

(B) by striking ‘‘or Director’’ and inserting ‘‘or official within the Office of the Secretary of Defense’’;

(3) in section 932(e) of the John S. McCain National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 113 note), subsection (c) of section 932(e) of such Act is amended—

(1) in paragraph (1)—

(A) by striking ‘‘shall be on a first-come, first-served basis’’ and inserting ‘‘may require a minimum service agreement, as determined by the Secretary’’;

(B) by striking ‘‘the designation of the Task Force as a cross-functional team under section 911 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 113 note)’’; and

(C) by striking ‘‘or official within the Office of the Secretary of Defense’’.

(2) in paragraph (2), by striking ‘‘shall be on a first-come, first-served basis’’ and inserting ‘‘may require a minimum service agreement, as determined by the Secretary’’.

SEC. 905. ALIGNMENT OF CLOSE COMBAT LETHALITY TASK FORCE.

(1) the initial alignment of the Close Combat Lethality Task Force (CCLTF) so that the Task Force reports directly to the Secretary; and


(2) REPORT DESCRIBED.—The report described in this subsection is a report on a proposed alternative alignment for the Close Combat Lethality Task Force that includes—

(1) a description of—

(A) how the proposed alignment of the Task Force would—

(i) facilitate the effective pursuit of, and support for, both material and non-material initiatives by the Task Force;

(ii) maintain benefits for the Task Force similar to the benefits associated with reporting directly to the Secretary of Defense and designation as a cross-functional team; and
(iii) ensure collaboration and support from the primary stakeholders in the Task Force, including the Army, the Marine Corps, and the United States Special Operations Command, as well as the services and the secretaries of defense.

(b) how the Task Force would be funded and gain appropriate resourcing for cross-functional team initiatives supported by the Secretaries of Defense and the Joint Chiefs of Staff.

(2) supporting analysis for the matters described in paragraph (1).

(c) EXCEPTION.—Subsection (a) does not apply if the President submits to the congressional defense committees—

(1) a certification that implementing that subsection would be detrimental to the defense interests of the United States; and

(2) a justification for the certification.

SEC. 906. MANAGEMENT INNOVATION ACTIVITIES.

(a) IN GENERAL.—The Secretary of Defense shall establish a set of activities to improve the effectiveness of management activities within the Department of Defense, with the goals of incorporating appropriate private sector management practices and technologies and enhancing the capabilities of the defense workforce.

(b) MANAGEMENT ACTIVITIES.—The activities established under subsection (a) may include the following:

(1) partnerships with appropriate private sector and government organizations.

(2) Personnel exchange programs with appropriate academic, and government organizations to enhance the capabilities of the defense workforce.

(3) Research, development, and technology and business process prototyping activities to create new technological capabilities to support management missions, or development and testing of new management concepts to improve information activities.

(4) A designated activity or agency to lead management innovation activities.

(5) A process by which defense business process owners and other personnel of the Department of Defense can identify management and business process challenges and opportunities that could be addressed by activities established under this section.

(6) Processes to develop, prototype, test, and field new business processes and practices to improve defense management capabilities.

(7) Academic research and educational activities related to defense management missions to promote—

(A) development of innovative management concepts;

(B) analyses and addressing of current management challenges; and

(C) development of programs and activities to develop a future defense management workforce.

(8) Other activities as the Secretary considers appropriate.

(c) PLAN REQUIRED.—Not later than February 1, 2023, the Secretary shall submit to the congressional defense committees a plan for activities established under this section.

(d) BRIEFINGS.—Not later than July 1, 2022, and July 1, 2023, the Secretary shall provide briefings on activities established and plans developed under this section.

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 to further national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2022 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—Except as provided in paragraph (1), a transfer of funds under this section 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 authorization 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) NOTIFICATION.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. COMMISSION ON PLANNING, PROGRAMMING, BUDGETING, AND EXECUTION REFORM.

(a) ESTABLISHMENT.—There is hereby established, as of the date specified in paragraph (2), an independent commission in the legislative branch to be known as the “Commission on Planning, Programming, Budgeting, and Execution Reform” (in this section referred to as the “Commission”).

(b) DATE OF ESTABLISHMENT.—The date of establishment referred to in paragraph (1) is 30 days after the date of the enactment of this Act.

(c) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The Commission shall be composed of 10 members from private civilian life who are recognized experts in, and have practical experience in, matters relating to the planning, programming, budgeting, and execution process of the Department of Defense. The members shall be appointed as follows:

(A) The Secretary of Defense shall appoint two members.

(B) The Chair and the Ranking Member of the Committee on Armed Services of the House of Representatives shall each appoint one member.

(C) The Chair and the Ranking Member of the Committee on Armed Services of the House of Representatives shall each appoint one member.

(D) The Chair and the Ranking Member of the Committee on Appropriations of the House of Representatives shall each appoint one member.

(E) The Chair and the Ranking Member of the Committee on Appropriations of the House of Representatives shall each appoint one member.

(2) DEADLINE FOR APPOINTMENT.—Members shall be appointed to more than one appointment in paragraph (1) not later than 45 days after the Commission establishment date specified under subsection (a)(2).

(b) SCOPE AND DUTIES.—In order to provide the fullest understanding of the matters required under subsection (e), the Commission shall perform the following:

(1) The Commission shall review the planning, programming, budgeting, and execution process of the Department of Defense, including the development and production of the Defense Planning Guidance, the Program Objective Memorandum, and the Budget Estimate Submission.

(2) The Commission shall conduct a comprehensive assessment of the efficacy and efficiency of all phases of the planning, programming, budgeting, and execution process, including the roles of key Department officials and the timelines to complete the process.

(c) COMMISSION REPORT AND RECOMMENDATIONS.—

(1) REPORT.—Not later than one year after the Commission establishment date specified under subsection (a), the Commission shall transmit to the Secretary of Defense and to Congress a report containing the review and assessment conducted under subsection (b) and recommendations of the Commission. The report shall include the following elements:

(A) An examination of the development of the Future Years Defense Program, the Program Objective Memorandum, the Budget Estimate Submission, and any supporting documents.

(B) An analysis of the timelines involved in developing an annual budget request and the Future Years Defense Program, including the ability to make program changes within those timelines.

(C) A review of the sufficiency of the civilian personnel workforce in the Office of the Secretary of Defense and the Office of Cost Assessment and Program Evaluation to conduct budgetary and program evaluation analysis.

(D) An examination of the obstacles that inhibit, and the efforts to mitigate, new and agile budgeting and budgeting processes to enable rapid development and integration of emerging technology to enable the United States to more effectively counter near-peer competitors.

(E) A review of the frequency and sufficiency of budget and program execution documentation, including the ability to analyze data, new analytics tools and any suggested improvements.
(2) INTERIM BRIEFING.—Not later than 180 days after the Commission establishment date specified in subsection (a)(2), the Secretary shall hold a briefing for the Senate and the House of Representatives on the status of its activities, and the Senators and Representatives shall be encouraged to provide input for the purposes of aiding and facilitating the work of the Commission.

(3) DETAILED AUTHORIZED.—The Secretary may designate, and the Commission may accept, employ, and supervise personnel detailed from the Department of Defense, without reimbursement.

(4) FACILITATION.—

(A) INDEPENDENT, NON-GOVERNMENT INSTITUTE.—Not later than 45 days after the Commission establishment date specified in subsection (a)(2), the Secretary of Defense shall make available to the Commission the services of an independent, non-governmental institute described in section 561(c)(3) of the Internal Revenue Code of 1986, and exempt from tax under section 501(a) of such Code, that has recognized credentials and expertise in national security and military affairs, in order to facilitate the Commission's discharge of its duties under this section.

(B) FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTER.—In the event the Secretary of Defense, in consultation with the Commission, the Secretary of Defense shall make available to the Commission the services of a federally funded research and development center that is involved in national security and military affairs in order to enhance the Commission's efforts to discharge its duties under this section.

(5) PAY.—

(A) IN GENERAL.—The Commission may pay consultants in accordance with the provisio
(5) by striking subsection (e) and inserting the following new subsection (e):
   
   ``(e) DEFINITIONS.—(1) In this section:
   
   ``(A) The term ‘illicit trafficking’ means the trafficking of human, trafficking illicit financial flows, illegal trade in natural resources and wildlife, illegal maritime activities, or trade in illegal drugs and weapons, as defined by a transnational criminal organization or a state actor.
   
   ``(B) The term ‘transnational organized crime’ has the meaning given such term in section 249 of this title.
   
   ``(2) For purposes of applying the definition of transnational organized crime under paragraph (1), the term ‘illegal means’, as it appears in such definition, includes—
   
   ``(A) illicit trafficking; and
   
   ``(B) any other form of illegal means determined by the Secretary of Defense.
   
   (c) CONFORMING REPEAL.—Section 1022 of the National Defense Authorization Act for Fiscal Year 2004 (10 U.S.C. 271 note) is repealed.
   
   (d) 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 counter-terrorism, counter-illicit trafficking, or counter-transnational organized crime activities.”

SEC. 1021. EXTENSION OF AUTHORITY TO SUPPORT A UNIFIED COUNTERDRUG AND COUNTERTERORISM CAMPAIGN IN COLOMBIA.


(1) in subsection (a)(1), by striking ‘‘2022’’ and inserting ‘‘2023’’ and

(2) in subsection (c), by striking ‘‘2022’’ and inserting ‘‘2023’’.

Subtitle C—Naval Vessels

SEC. 1021. MODIFICATION TO ANNUAL NAVAL VESSEL CONSTRUCTION PLAN.

(a) In GENERAL.—Section 231 of title 10, United States Code, is amended—

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

``(G) The expected service life of each vessel in the force provided for under the naval vessel construction plan, disaggregated by ship class, and the rationale for any changes to such expectations from the previous year’s plan;’’;

and

(2) in subsection (f), by adding at the end the following new paragraph:

``(6) The term ‘expected service life’ means the number of years a naval vessel is expected to be in service.’’.

(b) REPEAL.—Section 101(c) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 111 note) is amended by striking paragraph (15).

SEC. 1022. NAVY BATTLE FORCE SHIP ASSESSMENT AND REQUIREMENT REPORTING.

(a) In GENERAL.—Chapter 863 of title 10, United States Code, is amended—

(1) by redesignating the second section 8692, as added by section 1026 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), and

(2) by inserting after section 8693, as redesignated by paragraph (1), the following new section:

``§ 8694. Navy battle force ship assessment and requirement reporting

``(a) IN GENERAL.—Not later than 180 days after the date on which a covered event occurs, the Commandant of the Coast Guard shall submit to the congressional defense committees a battle force ship assessment and requirement.

``(b) ASSESSMENT.—Each assessment required by subsection (a) shall include the following:

``(1) A review of the strategic guidance of the Federal Government, the Department of Defense, and the Navy for identifying priorities, missions, objectives, and principles, in effect as of the date on which the assessment is submitted, that the force structure of the Navy must follow.

``(2) An identification of the steady-state demand for maritime security and security force assistance activities.

``(3) An identification of the force options that can satisfy the steady-state demands for activities required by theater campaign plans of combatant commanders.

``(4) A force optimization analysis that produces a day-to-day global posture required to accomplish peacetime and steady-state tasks assigned by combatant commanders.

``(5) A modeling of the ability of the force to fight and win scenarios approved by the Department of Defense.

``(6) A calculation of the number and global posture of each force element required to meet the steady-state demands and warfighting requirement timelines.

``(c) REQUIREMENT.—(1) Each requirement described in section 1061(c) of the National Defense Authorization Act for Fiscal Year 2004 (10 U.S.C. 271 note) is reenacted.

``(2) in subsection (c), by striking ‘‘2022’’ and inserting ‘‘2023’’.

``30. VESSEL CONSTRUCTION PLAN.

``(b) R EPEAL OF TERMINATION OF ANNUAL BATTLE FORCE SHIP ASSESSMENT AND REQUIREMENT REPORTING.—The date that is 180 days after the date of the enactment of this Act is deemed to be a covered event for the purposes of establishing a baseline battle force ship assessment and requirement under section 8694 of title 10, United States Code, as added by subsection (a).

``Subtitle D—Pentagon

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.


SEC. 1032. EXTENSION OF PROHIBITION ON USE OF FUNDS TO CONSTRUCT OR MODIFY FACILITIES IN THE UNITED STATES TO HOUSE DETAINES TRANSFERRED FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.


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.


SEC. 1034. EXTENSION OF PROHIBITION ON USE OF FUNDS TO CLOSE OR RELINQUISH CONTROL OF UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

SEC. 1035. REPORT ON MEDICAL CARE PROVIDED TO DETAINEES AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Chief Medical Officer of United States Naval Station, Guantanamo Bay (in this section referred to as the “Chief Medical Officer”), shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the provision of medical care to individuals detained at Guantanamo.

(b) REQUIREMENTS.—The report required by subsection (a) shall include the following:

(1) An assessment of the quality of medical care provided to individuals detained at Guantanamo, including whether such care meets applicable standards of care.

(2) A description of the medical facilities and resources at United States Naval Station, Guantanamo Bay, Cuba, available to individuals detained at Guantanamo.

(3) A description of the medical facilities and resources at United States Naval Station, Guantanamo Bay, Cuba, available to individuals detained at Guantanamo as necessary to meet applicable standards of care.

(4) A description of the range of medical conditions experienced by individuals detained at Guantanamo as of the date on which the report is submitted and the likely effects of aging.

(5) An assessment of any gaps between—

(A) the medical facilities and resources described in paragraphs (2) and (3); and

(B) the medical facilities and resources required to provide medical care necessary to meet applicable standards of care for the medical conditions described in paragraphs (4) and (5).

(6) The plan of the Chief Medical Officer to address the gaps described in paragraph (5), including the estimated costs associated with addressing such gaps.

(7) An assessment of whether the Chief Medical Officer is able to—

(A) execute proactive, enduring campaigns to control the tempo of competition, shape the environment, and increase the cost of hostilities against the United States and its allies; and

(B) adopt a resource-sustainable approach to countering violent extremist organizations and consolidating gains against the enduring threat from these organizations;

(C) improve the ability of the Department of Defense to understand and operate within the networked, contested, and multi-domain environment in which adversaries and competitors operate;

(D) foster and sustain unified action in irregular warfare including through collaboration and support of interagency partners in the formulation of strategies, plans, and the conduct of operations; and

(E) expand networks of allies and partners, including for the purpose of increasing the ability and willingness of allies and partners to defend their sovereignty, contribute to coalition operations, and advance common security initiatives.

(8) An assessment of the status of the plan, to be produced by the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict and the Chairman of the Joint Chiefs of Staff, in coordination with the Joint Staff, the Combatant Commands, and the Chairman of the Joint Chiefs of Staff, to implement the objectives described in the 2019 Irregular Warfare Annex to the National Defense Strategy, and description of efforts by the Components of the Department of Defense to expeditiously implement this plan, including the allocation of resources to implement the plan.

(9) An assessment by the Secretary of Defense of the resources, plans, and authorities required to establish and sustain irregular warfare as a fully-integrated core competency for the Joint Forces.

(c) FORM.—The report required by section (a) shall be submitted in unclassified form, but may include classified information.

DISTRIBUTION OF NONGOVERNMENTAL ORGANIZATIONS.

SEC. 1041. NOTIFICATION OF SIGNIFICANT ARMY FORCE STRUCTURE CHANGES.

(a) NOTICE REQUIREMENTS.—No irrevocable action may be taken to implement a significant change to Army force structure, including the establishment or restructuring of a new or experimental unit of significant, or to announce such a change, until the Secretary of Defense or the Secretary of the Army submits to the congressional defense committees written notification of the plan, including—

(1) details and timing of the planned change;

(2) justification for the planned change; and

(3) the estimated costs and implications of the planned change.

(b) EXCEPTION.—The notification requirement under subsection (a) does not apply if the Secretary of the Army submits to the congressional defense committees in advance that the planned Army force structure change must be implemented immediately for reasons of national security or military emergency.

(c) DEFINITION.—In this section, the term ‘‘significant change to Army force structure’’ means—

(1) a change in the number, type, or component of brigade-level organizations or higher-echelon headquarters;

(2) a change in the number or component of a high-interest capability such as T-HAAD or hypersonic weapon capability; or

(3) an increase or decrease of 1,000 or more military, federal civilian, and contractor personnel from a military function or specialty.

SEC. 1042. EXTENSION OF ADMISSION TO GUAM OR THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS FOR CERTAIN NONIMMIGRANT H-2B WORKERS.

Section 6(b)(1)(B) of the Joint Resolution entitled ‘‘A Joint Resolution to approve the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, and for other purposes’’, approved March 24, 1976 (48 U.S.C. 1806(b)(1)(B)), is amended by striking ‘‘December 31, 2023’’ and inserting ‘‘December 31, 2027’’.

Subtitle E—Miscellaneous Authorities and Limitations

SEC. 1051. REPORT ON IMPLEMENTATION OF IRREGULAR WARFARE STRATEGY.

(a) REPORT.—Not later than 180 days after the date of enactment of this Act, and annually thereafter through fiscal year 2027, the Secretary of Defense shall submit to the congressional defense committees a report on the status and implementation of the Department of Defense to implement the irregular warfare strategy consistent with the 2019 Annex to the National Defense Strategy.

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

(1) A description and assessment of efforts to institutionalize the approach of the Department of Defense to irregular warfare and maintain a baseline of capabilities and expertise in irregular warfare in both conventional and special operations forces, including efforts to—

(A) institutionalize irregular warfare in force development and design;

(B) transfer the competencies of the Department of Defense to prioritize investment in and development of human capital for irregular warfare;

(C) ensure an approach to irregular warfare that is agile, efficient, and effective by investing in and developing capabilities in a cost-efficient and resource-sustainable manner; and

(D) integrate irregular warfare approaches into operational plans and warfighting concepts for competition, crisis, and conflict.

(2) The Secretary and the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict considers relevant.

(b) DEPARTMENT OF DEFENSE INSTRUCTION REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict and the Secretary of Defense, in coordination with the Under Secretary of Defense for Research and Engineering, the Under Secretary of Defense for Acquisition and Sustainment, and the Secretaries of the military departments, shall publish an updated Department of Defense Instruction in order to establish the objectives, organization, mission, customer base, and role of the Irregular Warfare Technical Support Directorate;
SEC. 1053. QUARTERLY BRIEFINGS ON ANOMALOUS HEALTH INCIDENTS.

(a) BRIEFS.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter for two years, the Secretary of Defense shall brief the congressional defense committees on efforts of the Department of Defense to address anomalous health incidents.

(b) ELEMENTS.—Each briefing required by subsection (a) shall include the following:

(1) An explanation of efforts of the Department to investigate, attribute, and mitigate the cause of anomalous health incidents, including any additional resources or authorities necessary to enhance such efforts.

(2) A description of the process used to ensure timely assessment and treatment of such personnel and their families.

(c) CHAIR AND VICE CHAIR.—

(1) CHAIR.—The Chair of the Committee on Armed Services of the Senate and the Chair of the Committee on Armed Services of the House of Representatives shall jointly designate 1 member of the Commission to serve as Chair of the Commission.

(2) VICE CHAIR.—The Ranking Member of the Committee on Armed Services of the Senate and the Ranking Member of the Committee on Armed Services of the House of Representatives shall jointly designate 1 member of the Commission to serve as Vice Chair of the Commission.

(2) EFFECT OF LACK OF APPOINTMENT BY APPOINTING BODY.—If the Secretary fails to appoint a Chair or Vice Chair of the Commission within 30 days of a request for such appointment by the Senate or House of Representatives, the Commission shall be reduced by the number of appointments so not made.

(3) REPORT.—Not later than one year after the Commission establishment date specified in subsection (a), the Commission shall provide a report containing the review and assessment to include a discussion of any interim recommendations.

(G) An examination of the Department’s efforts to develop new and innovative operational concepts to enable the United States to more effectively counter near-peer competitors.

(H) An analysis of the force planning construct, including:

(i) the size and shape of the force;

(ii) the posture, structure, and capabilities of the force;

(iii) the readiness of the force;

(iv) infrastructure and organizational adjustments to the force;

(v) modifications to personnel requirements, including professional military education; and

(vi) other elements of the defense program necessary to support the strategy.

(I) An assessment of the risks associated with the strategy, including the relationship and tradeoffs between missions, risks, and resources.

(J) Any other elements the Commission considers appropriate.

(2) BRIEFING BRIEFS.—

(A) Not later than 180 days after the Commission establishment date specified in subsection (a)(2), the Commission shall provide a briefing on the status of its review and assessment to include a discussion of any interim recommendations.

(B) At the request of the Chair and Ranking Member of the Committee on Armed Services of the Senate, or the Chair and Ranking Member of the Committee on Armed Services of the House of Representatives, the Commission shall provide a briefing on the strategy.

(C) DETAILEES AUTHORIZED.—The Secretary may provide, and the commission may accept and employ, personnel detailed from the Department of Defense, without reimbursement and exempt from tax under section 501(c)(3) of the Internal Revenue Code of 1986, that has recognized credentials...
and expertise in national security and military affairs in order to facilitate the Commission's discharge of its duties under this section.

(b) FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTER.—On request of the Commission, the Secretary of Defense shall make available the services of a federally funded research and development center that is operated by a sponsoring agreement of the Department of Defense in order to enhance the Commission's efforts to discharge its duties under this section.

(5) EXPEDITION OF SECURITY CLEARANCES.—

The Office of Senate Security and the Office of House Security shall ensure the expedited processing of access security clearances and shall make available suitable excess space within the Federal space inventory to house the operations of the Commission.

(2) PAY.—The daily rate paid an expert or consultant under paragraph (1) may not exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule.

(3) OVERSEAS TRAVEL.—The Commission may pay travel expenses and per diem in lieu of subsistence for an expert or consultant who is traveling outside the United States.

(4) PERSONNEL.—The Commission shall employ individuals to perform services for which the expenses incurred under paragraphs (1) through (3) shall not be considered as salary expenses.

(a) STATUS OF COMMISSION.—The Commission shall be deemed to be Federal personnel as staff of the Commission in accordance with section 3161(d) of title 5, United States Code.

(a)(3) THE COMMISSION.—The annual salary of the Executive Director shall be equal to the daily rate paid a person occupying a position at level IV of the Executive Schedule.

(a)(2) THE COMMISSION.—The Commission shall be deemed to be Federal personnel as staff of the Commission in accordance with section 3161(d) of title 5, United States Code.

(a)(1) TRAVEL.—The daily rate paid an expert or consultant under paragraph (1) may not exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule in accordance with section 3161(d) of title 5, United States Code.

(2) PAY.—The daily rate paid an expert or consultant under paragraph (1) may not exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule.

(i) STAFF.—

The Commission may use the United States mail in the same manner and under the same conditions as departments and agencies of the United States.

(2) MAXIMUM DAILY PAY RATES.—The daily rate paid an expert or consultant procured pursuant to subsection (a)(3) of this section may exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule.

(3) PAY.—The daily rate paid an expert or consultant under paragraph (1) may not exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule.

(1) AUTHORITY TO PROCURE.—The Commission may pay expenses reasonably incurred in connection with the provision of services of experts or consultants in accordance with the provisions of section 3109 of title 5, United States Code; and

(2) AUTHORITY TO ACCEPT GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services, goods, and property from non-Federal entities for the purposes of aiding and facilitating the work of the Commission. The authority in this subsection does not extend to gifts of money. Gifts accepted under this authority shall be documented, and conflicts of interest or the appearance of conflicts of interest shall be avoided. In exercising authority under this subsection, commissioners shall otherwise comply with rules set forth by the Select Committee on Ethics of the United States Senate and the Committee on Ethics of the House of Representatives governing Senate and House employees.

(1) AUTHORITY TO CONTRACT.—Of the amounts authorized to be appropriated by this act for fiscal year 2022 for the Department of Defense, up to $5,000,000 shall be made available to the Commission to carry out its duties under this subtitle. Funds made available to the Commission under the preceding sentence shall remain available until expended.

(m) ADVISORY COMMITTEE.—

The Commission shall operate as a legislative advisory committee and shall not be subject to the provisions of the Federal Advisory Committee Act (Public Law 92-463; 5 U.S.C. App) or section 552b, United States Code (commonly known as the Government in the Sunshine Act).

(b) CONTRACTING AUTHORITY.—The Commission may acquire administrative supplies and equipment use to the extent funds are available.

(c) USE OF GOVERNMENT INFORMATION.—The Commission shall not be required by any other provision of Federal law to furnish information to the public.

(d) REMOVAL OF MEMBERS.—The Commission shall notify the Secretary of the appointment of a member under this subsection (b) of the appointment of a member under subsection (b)(1), provided that notice has first been provided to the member who is the subject of removal, and such member is removed upon three of the members (A) by striking ''be made primarily on the

(b)(1) The Commission may accept, use, and dispose of gifts accepted under this authority

(f) The Ted Stevens Center, the Under Secretary for Intelligence and Security, and the Secretary of the Army shall complete the assessments and determinations required by this section and provide a briefing to the congressional defense committees on such assessments and determinations.

SEC. 1063. MODIFICATION TO REGIONAL CENTERS FOR SECURITY STUDIES.

(a) IN GENERAL.—

SEC. 1102. ASSESSMENT OF REQUIREMENTS FOR AND MANAGEMENT OF ARMY THREE-DIMENSIONAL TERRAIN DATA

(a) JOINT ASSESSMENTS AND DETERMINATIONS.—

The Secretary of the Army shall determine the respective roles of the Army and the Department of Defense in order to facilitate the Commission under the preceding sentence.

(b) The Secretary of the Army shall determine whether operational use of the Integrated Visual Augmentation System, and Army intelligence, including geolocation support, and the Department of Defense for Intelligence and Security, and the Secretary of the Army determine that the Army should serve as the Executive Agent for Department of Defense three-dimensional terrain data, the Secretary shall determine the respective roles of the Army Acquisition Executive, including the Program Executive Office for Simulation, Training, and Instrumentation and Intelligence, Electronic Warfare, and Sensors, and the Army's Geographic Information Officer and Geospatial Center (AGC).

(c) ADDITIONAL DETERMINATIONS.—The Secretary of the Army shall determine whether operational use of the Integrated Visual Augmentation System, and Army intelligence, including geolocation support, and the Department of Defense for Intelligence and Security, and the Secretary of the Army determine that the Army should serve as the Executive Agent for Department of Defense three-dimensional terrain data, the Secretary shall determine the respective roles of the Army Acquisition Executive, including the Program Executive Office for Simulation, Training, and Instrumentation and Intelligence, Electronic Warfare, and Sensors, and the Army's Geographic Information Officer and Geospatial Center (AGC).
United States Code, an officer or employee of the Department of Defense may not participate personally and substantially in any covered matter if the officer or employee knows, or it would be obvious, that participation would have a direct and predictable effect on the financial interests of—

(a) any organization, including a trade organization, to which the officer or employee has served as an employee, officer, director, trustee, or general partner in the past 4 years;

(b) a former direct competitor or client of any organization for which the officer or employee has served as an employee, officer, director, trustee, or general partner in the past 4 years;

(c) any employer with whom the officer or employee is seeking employment.

SEC. 1105. EXTENSION OF TEMPORARY INCREASE IN MAXIMUM AMOUNT OF VOLUNTARY SEPARATION INCENTIVE PAY AUTHORIZED FOR CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE TO LOCATIONS OUTSIDE THE UNITED STATES

SEC. 1106. PILOT PROGRAM ON DIRECT HIRE AUTHORITY FOR SPOUSES OF MEMBERS OF THE UNIFORMED SERVICES AT LOCATIONS OUTSIDE THE UNITED STATES

SEC. 1107. ONE-YEAR EXTENSION OF AUTHORITY TO GRANT LIMITATION ON PREMIUM PAY AND AGGREGATE LIMITATION ON PAY FOR FEDERAL CIVILIAN WORKING OVERSEAS.

SEC. 1108. PILOT PROGRAM ON DIRECT HIRE AUTHORITY FOR STAFF PERSONNEL OF THE DEFENSE DEPARTMENT TO LOCATIONS OUTSIDE THE UNITED STATES.

SEC. 1109. AUTHORITY TO EMPLOY CIVILIAN FACULTY MEMBERS AT THE DEFENSE INSTITUTE OF INTERNATIONAL LAW.

SEC. 1110. AUTHORITY TO EMPLOY CIVILIAN FACULTY MEMBERS AT THE DEFENSE INSTITUTE OF NATIONAL SECURITY LAW.

SEC. 1111. AUTHORITY TO EMPLOY CIVILIAN INSTRUCTORS AT THE NATIONAL SECURITY ACADEMY.

SEC. 1112. AUTHORITY TO EMPLOY CIVILIAN FACULTY MEMBERS AT THE NATIONAL SECURITY ACADEMY.

SEC. 1113. AUTHORITY TO EMPLOY CIVILIAN FACULTY MEMBERS AT THE NATIONAL SECURITY ACADEMY.

SEC. 1114. AUTHORITY TO EMPLOY CIVILIAN FACULTY MEMBERS AT THE DEFENSE INSTITUTE OF NATIONAL SECURITY LAW.

SEC. 1115. EXTENSION OF TEMPORARY INCREASE IN MAXIMUM AMOUNT OF VOLUNTARY SEPARATION INCENTIVE PAY AUTHORIZED FOR CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

SEC. 1116. EXTENSION OF TEMPORARY AUTHORITY TO GRANT ALLOWANCES, PAYMENTS, AND BONUSES TO CIVILIAN PERSONNEL ON OFFICIAL DUTY IN A COMBAT ZONE.

SEC. 1117. AUTHORITY TO EMPLOY CIVILIAN FACULTY MEMBERS AT THE DEFENSE INSTITUTE OF NATIONAL SECURITY LAW.

SEC. 1118. AUTHORITY TO EMPLOY CIVILIAN FACULTY MEMBERS AT THE DEFENSE INSTITUTE OF NATIONAL SECURITY LAW.

SEC. 1119. CIVILIAN CYBERSECURITY RESERVE PILOT PROJECT AT UNITED STATES CYBER COMMAND.

SEC. 1120. AUTHORITY TO EMPLOY CIVILIAN FACULTY MEMBERS AT THE DEFENSE INSTITUTE OF NATIONAL SECURITY LAW.
term in section 2103 of title 5, United States Code.

(5) SIGNIFICANT INCIDENT.—The term “signif-
ificant incident”—
(A) means an incident or a group of related
incidents that results, or is likely to result, in
demonstrable harm to—
(i) the national security interests, foreign
relations, or economy of the United States;
or
(ii) the public confidence, civil liberties, or
public health and safety of the people of the
United States for a period of more than one
year after the date on which the incident
occurs;
(iii) a national security system, as defined in
section 3552 of title 44, United States Code;
or
(iv) an information system described in
paragraph (2) or (3) of section 3553(e) of title
44, United States Code.

(6) TEMPORARY POSITION.—The term “tem-
porary position” means a position in the
competitive or excepted service for a period
of 180 days or less.

(7) UNIFORMED SERVICES.—The term “uni-
formed services” has the meaning given the
term in section 2101 of title 5, United States Code.

(8) STATUS IN RESERVE.—During the period
beginning on the date on which an individual
is recruited by the United States Cyber Com-
mander to serve in the Civilian Cybersecurity
Reserve, and when in the opinion of the
Commander that an individual is appointed under paragraph (4), and during any period in between any such
appointments, the individual shall not be con-
considered a member of the
Civilian Cybersecurity Reserve;

(9) STUDY AND IMPLEMENTATION PLAN.—
(A) The Commander shall submit to
Congress—
(i) a report on the results of the study;
and
(ii) a briefing on recommendations
relating to the pilot project, including re-
commendations for—
(A) whether the pilot project should be
modified, extended in duration, or estab-
lished as a permanent program, and if so, an
appropriate scope for the program;
(B) how to attract participants; ensuring a
diversity of participants, including
participants, the diversity of participants, and
any barriers to recruitment or retention of
members;
(C) an evaluation of the ethical require-
ments of the pilot project;
(D) whether the Civilian Cybersecurity
Reserve has been effective in providing addi-
tional capacity to the United States Cyber
Command during significant incidents; and
an evaluation of the eligibility require-
ments for the pilot project.

(10) STATUTORY AUTHORITY.—The
United States Cyber Command shall be
effective in providing addi-
tional capacity to the United States Cyber
Command during significant incidents; and
an evaluation of the eligibility require-
ments for the pilot project.

(11) UNIFORMED SERVICES.—The term “uni-
formed services” has the meaning given the
term in section 2101 of title 5, United States Code.

(12) SECURITY CLEARANCES.—If a
member of the Civilian Cybersecurity
Reserve—
(A) participates in the Civilian Cyber-
security Reserve, including the number of
participants, the diversity of participants, and
any barriers to recruitment or retention of
members;
(B) an evaluation of the ethical require-
ments of the pilot project;
(C) whether the Civilian Cybersecurity
Reserve has been effective in providing addi-
tional capacity to the United States Cyber
Command during significant incidents; and
an evaluation of the eligibility require-
ments for the pilot project.

(13) SECURITY CLEARANCES.—If a
member of the Civilian Cybersecurity
Reserve—
(A) participates in the Civilian Cyber-
security Reserve, including the number of
participants, the diversity of participants, and
any barriers to recruitment or retention of
members;
(B) an evaluation of the ethical require-
ments of the pilot project;
(C) whether the Civilian Cybersecurity
Reserve has been effective in providing addi-
tional capacity to the United States Cyber
Command during significant incidents; and
an evaluation of the eligibility require-
ments for the pilot project.

(14) SECURITY CLEARANCES.—If a
member of the Civilian Cybersecurity
Reserve—
(A) participates in the Civilian Cyber-
security Reserve, including the number of
participants, the diversity of participants, and
any barriers to recruitment or retention of
members;
(B) an evaluation of the ethical require-
ments of the pilot project;
(C) whether the Civilian Cybersecurity
Reserve has been effective in providing addi-
tional capacity to the United States Cyber
Command during significant incidents; and
an evaluation of the eligibility require-
ments for the pilot project.

(15) SECURITY CLEARANCES.—If a
member of the Civilian Cybersecurity
Reserve—
(A) participates in the Civilian Cyber-
security Reserve, including the number of
participants, the diversity of participants, and
any barriers to recruitment or retention of
members;
(B) an evaluation of the ethical require-
ments of the pilot project;
(C) whether the Civilian Cybersecurity
Reserve has been effective in providing addi-
tional capacity to the United States Cyber
Command during significant incidents; and
an evaluation of the eligibility require-
ments for the pilot project.

(16) SECURITY CLEARANCES.—If a
member of the Civilian Cybersecurity
Reserve—
(A) participates in the Civilian Cyber-
security Reserve, including the number of
participants, the diversity of participants, and
any barriers to recruitment or retention of
members;
(B) an evaluation of the ethical require-
ments of the pilot project;
(C) whether the Civilian Cybersecurity
Reserve has been effective in providing addi-
tional capacity to the United States Cyber
Command during significant incidents; and
an evaluation of the eligibility require-
ments for the pilot project.
November 19, 2021

B. a recommendation with respect to whether the pilot project should be modified.

(a)_recommendation

(i) SUNSET.—The pilot project required under subsection (b)(1) shall terminate on the date 180 days after the date on which the pilot project is established.

(ii) ADDITIONAL FUNDS.—In general, additional funds are authorized to be appropriated for the purpose of carrying out this section.

(iii) EXISTING AUTHORIZED AMOUNTS.—(Funds to carry out this section may, as provided in advance in an appropriations Act, only come from amounts authorized to be appropriated to the United States Cyber Command.

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 16 of title 10, United States Code, is amended by adding at the end the following new section:

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SEC. 1334. Administrative support and payment of certain expenses for covered foreign defense personnel.

(a) In general.—The Secretary of Defense may——

(1) provide administrative services and support to the United Nations Command for the performance of duties by covered foreign defense personnel during the period in which the covered foreign defense personnel are assigned to the United Nations Command or the Neutral Nations Supervisory Commission in accordance with the Korean War Armistice Agreement of 1953 or its subsequent agreements.

(2) pay the expenses specified in subsection (b) for covered foreign defense personnel who are——

(A) from a developing country; and

(B) assigned to the headquarters of the United Nations Command.

(b) Types of expenses.—The types of expenses that may be paid under the authority of subsection (a)(2) are the following:

(1) Travel and subsistence expenses directly related to the duties of covered foreign defense personnel described in subsection (a)(2) in connection with the assignment of such covered foreign defense personnel.

(2) Personal expenses directly related to carrying out such duties.

(3) Expenses for medical care at a military medical facility.

(4) Expenses for medical care at a civilian medical facility, if—

(A) adequate medical care is not available to such covered defense personnel at a local military medical treatment facility; and

(B) the Secretary determines that payment of such medical expenses is necessary and in the best interests of the United States; and

(5) Medical care is not otherwise available to such covered foreign defense personnel pursuant to a treaty or any other international agreement.

(ii) Mission-related travel expenses, if—

(A) such travel is in direct support of the national security of the United States; and

(B) the Commander of the United Nations Command directs round-trip travel from the headquarters of the United Nations Command to or pursuant to any location.

(c) Reimbursement.—The Secretary may provide the administrative services and support and pay the expenses authorized by subsection (a) with or without reimbursement.

(d) Definitions.—(i) In this section:

(1) the term "administrative services and support" means the furnishing of support services, facilities use, base operations support, office space, office supplies, utilities, copying services, computer support, communication services, fire and police protection, postal services, bank services, transportation services, housing and temporary billeting (including ancillary services), special equipment, storage services, training services, and repair and maintenance services.

(2) the term "covered foreign defense personnel" means members of the military of a foreign country who are assigned to——

(A) the United Nations Command; or

(B) the Neutral Nations Supervisory Commission.

(3) the term "developing country" has the meaning given the term in section 3014 of this title.


(i) Notification.—(A) The Secretary may notify the congressional defense committees of a written notification that includes the following:

(1) An identification of the foreign country, and the specific unit of the national security forces of such country, the capacity of which will be built by participating in such training program.

(2) The amount of support to be provided under that subsection.

(ii) An identification of the United States equipment purchased or acquired by such foreign country, for the use of which training is being provided under such training program.

(iii) A description of the specific capabilities to be built through such training program with such support.

(iv) A detailed description of the manner in which building the capabilities of such country and such training program advances the national security interests of the United States.

(v) An assessment of the effectiveness of such training program in meeting Department of Defense requirements for building the capacity of such country.

(b) Source of funds.—Of the amounts authorized to be appropriated for fiscal year 2022 for the Department of Defense for operation and maintenance, Defense-wide, the Secretary may obligate or expend such amounts as may be necessary to pay for expenses described in subsection (a) for such fiscal year.

(c) Limitation.—The provision of support under subsection (a) shall be subject to section 362 of title 10, United States Code.

Sec. 1205. TEMPORARY AUTHORITY TO PAY FOR PERSONNEL EXPENSES OF FOREIGN NATIONAL SECURITY FORCES PARTICIPATING IN THE TRAINING PROGRAM OF THE UNITED STATES-COLOMBIA SECURITY PLAN FOR REGIONAL SECURITY.

(a) Authority.—For fiscal year 2022, the Secretary of Defense is authorized to pay for the travel, subsistence, and similar personal expenses of the national security forces of a friendly foreign country to participate in the training program of the United States-Columbia Action Plan for Regional Security conducted at a facility in Colombia.

(b) Notification.—Not later than 15 days before the exercise of the authority under subsection (a), the Secretary shall provide to the congressional defense committees a written notification that includes the following:

(1) An identification of the foreign country, and the specific unit of the national security forces of such country, the capacity of which will be built by participating in such training program.

(2) The amount of support to be provided under that subsection.

Sec. 1206. SECURITY COOPERATION STRATEGY FOR CERTAIN COMBATANT COMMANDS.

(a) In General.—The Secretary of Defense, in coordination with the Secretary of State, shall develop and implement a security cooperation strategy for each covered combatant command, which includes security cooperation programs and activities of the Department of Defense (as defined in section 301 of title 10, United States Code).

(1) The strategy developed under this section shall be the strategy required by subsection (a) of this section.
(1) To support and advance United States national security interests in strategic competition with near-peer rivals.

(2) To build key capabilities of allied and partner security forces so as to enhance bilateral and multilateral interoperability and responsiveness in the event of a crisis.

(3) To build the capabilities of foreign partner security forces to secure their own territory, including through operations against violent extremist groups.

(4) To promote and build institutional capabilities for observance of, and respect for—

(A) the law of armed conflict;

(B) human rights and fundamental freedoms;

(C) the rule of law; and

(D) civilian control of the military.

(5) To support the programs and activities of law enforcement and civilian agencies to counter the threats of and reduce risks from illicit trafficking and transnational criminal organizations.

(c) ELEMENTS.—The strategy for each covered combatant command required by subsection (a) shall include the following:

(1) A statement of the security cooperation strategic objectives for—

(A) the covered combatant command; and

(B) the covered combatant command in conjunction with other covered combatant commands.

(2) A description of the primary security cooperation lines of effort for achieving such strategic objectives, including prioritization of foreign partners within the covered combatant command.

(3) A description of the Department of Defense authorities to be used for each such line of effort and the manner in which such authorities will contribute to achieving such strategic objectives.

(4) A description of the institutional capacity-building programs and activities within the covered combatant command and an assessment of the manner in which such programs and activities contribute to achieving such strategic objectives.

(5) A description of the manner in which the development, planning, and implementation of programs or activities under Department of Defense security cooperation authority are aligned and coordinated with respect to security assistance and other assistance authorities of the Department of State and other civilian agencies.

(d) DEVELOPMENT.—In developing the strategy for each covered combatant command required by subsection (a), the Secretary of Defense shall consult with—

(1) the Under Secretary of Defense for Policy;

(2) the Chairman of the Joint Chiefs of Staff;

(3) the Director of the Defense Security Cooperation Agency; and

(4) the commander of the relevant covered combatant command.

(e) INITIAL 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 on the security cooperation strategy for each covered combatant command developed under subsection (a).

(f) SUBSEQUENT REPORTS.—Beginning in fiscal year 2023, and annually thereafter through fiscal year 2027, concurrently with the submittal of the report required by section 1210E of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283), the Secretary of Defense shall submit to the appropriate committees of Congress a report on the implementation of the security cooperation strategy for each covered combatant command developed under subsection (a).

(g) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriately committees of Congress" means—

(A) the Committee on Armed Services, the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations of the House of Representatives.

(2) COVERED COMBATANT COMMAND.—The term "covered combatant command" means—

(A) the United States European Command;

(B) the United States Indo-Pacific Command;

(C) the United States Central Command;

(D) the United States Africa Command;

(E) the United States Southern Command; and

(F) the United States Northern Command.

SEC. 1207. PLAN FOR ENHANCING WESTERN HEMISPHERE SECURITY COOPERATION.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the appropriate committees of Congress a plan for enhancing security cooperation and advancing United States strategic interests in the Western Hemisphere.

(b) ELEMENTS.—The plan 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 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 through institutional capacity-building efforts to ensure compliance with internationally recognized human rights standards.

(6) Steps to expand bilateral and multilateral security cooperation and training with partner countries in Latin America and the Caribbean.

(7) The provision of assistance to—

(A) partner countries for regional defense; and

(B) 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)(B).

(9) Efforts to counter misinformation and disinformation campaigns and highlight corrupt, predatory, and illegal practices.

(10) The provision 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, and logistical support; and

(B) transportation of humanitarian supplies or foreign security forces or personnel;

(C) making available, preparing, and transferring on-hand nonlethal Department of Defense humanitarian de-mining assistance; and

(D) conducting physical security and stockpile-management activities; and

(F) conducting medical support operations or medical humanitarian missions, as appropriate, 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 of Defense educational and institutional organizations, 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.

(14) The allocation of maritime vessels to the United States 4th Fleet.

(15) A detailed assessment of the resources required to carry out such plan.

(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 Affairs of the House of Representatives.

(2) the Committee on Appropriations of the House of Representatives.

(3) the Committee on Appropriations of the Senate; and

(4) the Committee on Armed Services and the Committee on Foreign Affairs of the Senate.


Section 1210E of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283) is amended by—

(1) redesignating subsection (f) as subsection (h); and

(2) by inserting after subsection (e) the following new subsections (i) and (j):

"(i) PILOT PROGRAM.—

"(A) ESTABLISHMENT.—The Secretary of Defense, in consultation with the Committee on Armed Services, shall select one or more contracts with a nonprofit organization, or a federal agency, or a Department of Defense component, or a Department of State component, or a Department of State component to conduct the following:

"(B) The provision of support to one or more contracts to nonprofit organizations, or a federal agency, or a Department of Defense component, to conduct the following:

"(1) training and education to defense and security ministries, agencies, and headquarters-level organizations for organizations and forces described in paragraph (7)(B).

"(2) the provision of physical security and stockpile-management activities; and

"(3) the provision of humanitarian de-mining assistance;

"(J) SELECTION OF CONTRACTOR.—The Secretary of Defense, in consultation with the Committee on Armed Services, shall select one or more contracts with a nonprofit organization, or a federal agency, or a Department of Defense component, or a Department of State component, or a Department of State component to conduct the following:

"(B) the provision of training and education to defense and security ministries, agencies, and headquarters-level organizations for organizations and forces described in paragraph (7)(B).

"(C) the provision of physical security and stockpile-management activities; and

"(D) the provision of humanitarian de-mining assistance;"
"(1) the demonstrated political commitment of the partner country to increasing the participation of women in the security sector; and

"(ii) national security priorities and theater campaign strategies of the United States.

"(4) PARTNER COUNTRY ASSESSMENTS.—Partner country assessments conducted under paragraph (2) shall be:

"(A) adapted to the local context of the partner country being assessed;

"(B) conducted in collaboration with the security sector of the partner country being assessed;

"(C) based on tested methodologies.

"(5) REVIEW AND ASSESSMENT.—With respect to each partner country assessment conducted under the pilot program, the Secretary of Defense, in consultation with the Secretary of State, shall—

"(A) review the methods of research and analysis used by any entity contracted with under paragraph (2) in conducting the assessment and identify lessons learned from such review; and

"(B) assess the ability of the Department to conduct future partner country assessments without entering into such a contract, including by assessing potential costs and benefits for the Department that may arise in conducting such future assessments.

"(6) FINDINGS.—

"(A) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of State, shall develop, based on the findings of the pilot program, a model barter assistance intervention methodology for use across the geographic combatant commands.

"(B) METHODOLOGY.—The Secretary of Defense, in consultation with the Secretary of State, shall develop, based on the findings of the pilot program, a model barter assistance intervention methodology for use across the geographic combatant commands.

"(7) REPORTS.—

"(A) IN GENERAL.—Not later than 2 years after enactment of the National Defense Authorization Act for Fiscal Year 2022, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the appropriate committees of Congress an initial report on the implementation of the pilot program under this section that includes an identification of the partner countries selected for participation in the program and the justifications for such selections.

"(B) METHODOLOGY.—On the date on which the Secretary of Defense determines that the pilot program has been completed, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the appropriate committees of Congress a report on the methodology developed under paragraph (6)(B).

"(g) BRIEFING.—Not later than 1 year after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022, the Director of the Defense Security Cooperation Agency shall provide to the appropriate committees of Congress a briefing on the efforts to build partner defense institution and security force capacity pursuant to this section."
(2) CONDITIONS ON ACCEPTANCE OF EQUIPMENT.—Before accepting any equipment under the authority provided under paragraph (1), the Commander of United States forces in Afghanistan shall make a determination as to whether such equipment was procured for the purpose of meeting requirements of the security forces of the Ministry of Defense and the Ministry of Interior of the Government of Afghanistan, as agreed to by the Government of Afghanistan and the United States Government, but is no longer necessary; such security forces were damaged before transfer to such security forces.

(3) ELEMENTS OF DETERMINATION.—In making a determination under paragraph (2) with respect to equipment, the Commander of United States forces in Afghanistan shall consider the acceptance of such equipment by the Secretary of Defense.

(4) TREATMENT AS DEPARTMENT OF DEFENSE STOCKS.—Equipment accepted under the authority provided under paragraph (1) may be treated as stocks of the Department of Defense upon notification to the congressional defense committees of such treatment.

(5) QUARTERLY REPORTS ON EQUIPMENT DISPOSITION.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act and every 30 days thereafter during the period in which the authority provided under paragraphs (1) through (3) is exercised, the Secretary shall submit to the congressional defense committees a description of the equipment accepted during the period covered by such report under the following:

(i) This subsection.

(ii) Section 1521(b) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2975).


(B) ELEMENTS.—Each report under subparagraph (A) shall include, with respect to the 90-day period for which the report is submitted:

(i) A list of any equipment accepted during such period and treated as stocks of the Department of Defense; and

(ii) Copies of any determination made under paragraph (2) during such period, as required under paragraph (3).

(C) REIMBURSABLE TRANSACTION AUTHORITY FOR HELICOPTERS AND SMALL AIRCRAFT.—The Secretary of Defense may use amounts authorized for the Afghanistan Security Forces Fund by this Act or the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–260) to purchase helicopters and small aircraft from the Secretary of the Army.

(D) SECURITY OF AFGHAN WOMEN.—

(i) GENERAL.—The Secretary may authorize the use of funds available to the Department of Defense for the Afghan National Security Forces Fund for fiscal year 2022, as the total that is not less than $10,000,000, shall be used for programs and activities for—

(I) recruitment and retention efforts with respect to women in the Afghan National Defense and Security Forces, including the special operations forces; and

(III) programs and activities of the Directorate of Human Rights and Gender Integration of the Ministry of Defense and the Office of Human Rights, Gender, and Child Rights of the Ministry of Interior Affairs of the Government of Afghanistan;

(ii) development and dissemination of gender and human rights educational and training materials and programs within the Ministry of Defense and the Ministry of Interior Affairs of the Government of Afghanistan;

(III) efforts to address harassment and violence against women within the Afghan National Defense and Security Forces;

(iv) infrastructure that addresses the requirements of women serving in the Afghan National Defense and Security Forces, including appropriate equipment for female security and police forces, remediation, renovation, and protection of facilities used by women, and transportation for policewomen to their stations;

(v) supplies for Afghan National Police Family Response Units;

(vi) security programs for high-profile female police and military officers;

(vii) programs and activities for conflict prevention, management, and resolution through the meaningful participation of Afghanistan women in the Afghan National Defense and Security Forces.

(ii) Programs and activities for—

(I) the recruitment, integration, retention, and training of women in the Afghan National Defense and Security Forces, including the special operations forces, to enhance their interest and the skills necessary for service in such forces; and

(II) enhancements to Afghan National Defense and Security Forces programs for targeted advertising with the goal of increasing the number of female recruits.

(E) PLAN FOR MAINTAINING OVERSIGHT OF FUNDS AND ACTIVITIES.—Not later than 15 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the plan to execute oversight of funds and activities authorized by this section without a United States Armed Forces presence in Afghanistan.

(F) REPORT AND CERTIFICATION.—

(I) REPORT.—

(II) CERTIFICATION.—

(A) IN GENERAL.—Not after December 31, 2025, the Under Secretary of Defense for Policy shall provide to the Congress a report that includes the following:

(aa) The percentage of members of the Afghan National Defense and Security Forces the salaries of whom are funded under the authority of this section.

(bb) The percentage of such members of the Afghan National Defense and Security Forces who receive pay by direct electronic deposit.

(cc) A detailed description of the process of the Department of Defense for providing equipment to the Afghan National Defense and Security Forces, including a list of locations from which oversight of distribution and maintenance is conducted.

(dd) A detailed description of the process of the Department of Defense for providing equipment to the Afghan Air Force, including a list of locations from which oversight of distribution and maintenance is conducted.

(BB) The Government of Afghanistan has demonstrated progress in ensuring that the weapons and equipment provided to the Afghan National Defense and Security Forces are—

(1) distributed effectively to the intended units of the Afghan National Defense and Security Forces; and

(2) in compliance with appropriate end-use monitoring standards.

(cc) The Government of Afghanistan has demonstrated progress in ensuring that critical supplies, including ammunition, are delivered successfully to the intended units of the Afghan National Defense and Security Forces and periodically accounted for and utilized.

(dd) The Government of Afghanistan has demonstrated progress in ensuring that critical supplies, including ammunition, are delivered successfully to the intended units of the Afghan National Defense and Security Forces.

(f) The Afghan National Defense and Security Forces remain a viable partner force in combating threats from terrorist organizations that use Afghanistan as a base for planning or operations.

(III) WAIVER.—The Secretary of Defense may waive subsection (I) if the Secretary of Defense—

(bb) determinates that withholding assistance under that clause would impede the national security objectives of the United States.

(bb) in consultation with the Secretary of State, certifies such determination to the congressional defense committees not later than 30 days before the effective date of such waiver.

(G) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this paragraph, the term "appropriate committees of Congress" means—

(i) the Committee on Appropriations of the Senate; and

(ii) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

SEC. 1214. QUARTERLY SECURITY BRIEFS ON AFGHANISTAN.

(A) IN GENERAL.—Not later than January 15, 2022, and every 90 days there after through December 31, 2025, the Under Secretary of Defense for Policy shall provide to the congressional defense committees an unclassified, with classified if necessary, on the security situation in Afghanistan and ongoing Department of Defense efforts to counter terrorist threats to the Armed Forces.

(B) ELEMENTS.—Each briefing required by subsection (a) shall include an assessment of each of the following:

(I) The security situation in Afghanistan.

(2) The strength and effectiveness of the Taliban, al-Qaeda, the Islamic State of Khorasan, and associated forces.

(3) The international threat to Afghan National Defense and Security Forces and the United States military, including the capabilities of the Taliban, al-Qaeda, the Islamic State of Khorasan, and associated forces.
forces, and the extent to which such groups pose a threat to the United States.


(5) The mission-capable status for aircraft of the air force of Afghanistan and the effectiveness of aircraft maintenance conducted by the air force of Afghanistan.

(6) The effectiveness of Department of Defense efforts to advise the Afghan National Defense and Security Forces.

(7) The effectiveness of the Department of Defense in maintaining the accountability for, and appropriate use of, the Afghan Security Forces Fund.

(8) The status of efforts to recruit, integrate, retain, and train women in the Afghan National Defense and Security Forces.

(9) Any other matter the Under Secretary considers appropriate.

SEC. 1215. SENSE OF SENATE AND BRIEFING ON CO-CONTRA-TERRORISM POSTURE OF THE UNITED STATES AFTER TRANSITION OF UNITED STATES ARMED FORCES FROM AFGHANISTAN.

(a) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the United States should ensure that Afghanistan will not be a source of planning, plotting, or projection of terrorist attacks around the globe, including against the United States homelands;

(2) the intelligence community’s annual threat assessment for 2021 warned that ISIS and al-Qaeda remain among “the greatest terrorist threats to U.S. interests overseas; they also seek to conduct attacks inside the United States, although sustained U.S. and allied (counterterrorism) pressure has broadly degraded their capability to do so”;

(3) the Afghan Study Group advised “that a complete U.S. withdrawal without a peace agreement would allow [al-Qaeda and ISIS] to gradually rebuild their capabilities in the Afghanistan-Pakistan region such that they might be able to attack the U.S. homelands within eighteen to thirty-six months”;

(4) in the February 2020 agreement signed between the United States and the Taliban, the Taliban promised not to allow “other individuals, including al-Qaeda, to use the soil of Afghanistan to threaten the security of the United States and its allies”; and

(5) in a report to the United Nations Security Council in May 2020, a United Nations monitoring team assessed that “al-Qaeda has been operating covertly in Afghanistan while still maintaining close relations with the Taliban.”

(b) BRIEFING.—Not later than January 15, 2021, the Secretary of Defense in coordination with the Director of National Intelligence, shall brief the appropriate committees of Congress on—

(1) the intelligence, surveillance, and reconnaissance capabilities and the access, basing, and oversight requirements necessary.

(A) to determine whether the Taliban is abiding by its commitment to break ties with al-Qaeda;

(B) to determine whether al-Qaeda and ISIS have rebuilt their capabilities in Afghanistan such that al-Qaeda and ISIS threaten the security of the United States and its allies; and

(C) to support counterterrorism operations necessary to degrade the ability of al-Qaeda and ISIS to threaten the United States and its allies; or

(D) a plan for fulfilling such requirements.

(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, the Committee on the Judiciary, the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on Appropriations, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

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

SEC. 1221. EXTENSION AND MODIFICATION OF AUTHORITY TO PROVIDE ASSISTANCE TO VETTED SYRIAN GROUPS AND INDIVIDUALS.


(b) NOTICE BEFORE PROVISION OF ASSISTANCE.—Subsection (b)(2) of such section is amended by striking subparagraph (A) and inserting the following:

“(A) at not later than 15 days before the expenditure of the first 25 percent of the total amount authorized to be appropriated in any fiscal year under this section.”

(c) TECHNICAL AMENDMENT.—The table of contents for the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 127 Stat. 3260) is amended by striking the item relating to section 1209 and inserting the following:

“Sec. 1209. Authority to provide assistance to v vetted Syrian groups and individuals.”

SEC. 1222. EXTENSION AND MODIFICATION OF AUTHORITY TO SUPPORT OPERATIONS 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 2012 (10 U.S.C. 113 note) is amended by striking “fiscal year 2021” and inserting “fiscal year 2022”.

(b) SOURCE OF FUNDS.—Subsection (d) of such section is amended by striking fiscal year 2021 and inserting fiscal year 2022.

(c) LIMITATION ON AVAILABILITY OF FUNDS.—Subsection (h) of such section is amended to read as follows:

“(h) LIMITATION ON AVAILABILITY OF FUNDS.—Of the amount authorized to be appropriated by this Act for fiscal year 2022 to carry out this section, not more than $10,000,000 may be obligated or expended for the Office of Security Cooperation in Iraq until the date on which the Secretary of Defense provides to the congressional defense committees a report on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report that—

“(1) the Secretary of Defense has taken steps that may seek to use Afghanistan as a safe haven.

(B) BRIEFING.—Not later than January 15, 2022, the Secretary of Defense in coordination with the Director of National Intelligence, shall brief the appropriate committees of Congress on—

(1) the intelligence, surveillance, and reconnaissance capabilities and the access, basing, and oversight requirements necessary.

(A) to determine whether the Taliban is abiding by its commitment to break ties with al-Qaeda;
SEC. 1234. EXTENSION OF AUTHORITY FOR TRAINING EASTERN EUROPEAN NATIONS, AND FORCES IN THE COURSE OF MULTILATERAL EXERCISES.

Subsection (b) of section 1231 of the National Defense Authorization Act for Fiscal Year 2016 (10 U.S.C. 333 note) is amended—

(1) in the first sentence, by striking “December 31, 2021’’ and inserting “December 31, 2023’’;

(2) in the second sentence, by striking “the period beginning on October 1, 2015, and ending on December 31, 2023” and inserting “the period beginning on October 1, 2015, and ending on December 31, 2024’’;

SEC. 1235. SENSE OF SENATE ON THE NORTH ATLANTIC TREATY ORGANIZATION.

It is the sense of the Senate that—

(1) the success of the North Atlantic Treaty Organization (NATO) is critical to achieving United States national security objectives in Europe and around the world;

(2) NATO remains the strongest and most successful military alliance in the world, founded on a commitment by its members to uphold the principles of democracy, individual liberty, and the rule of law;

(3) NATO’s contributions to collective defense are indispensable to the security, prosperity, and freedom of its members;

(4) the United States reaffirms its ironclad commitment to NATO as the foundation of transatlantic security and to upholding its obligations under the North Atlantic Treaty, including Article 5;

(5) NATO is meant to be an alliance of countries with shared democratic values and the United States reaffirms its commitment to Article 2 of the North Atlantic Treaty, which states the following: “The Parties will contribute toward the further development of peaceful and free institutions internationally recognized on the basis of their free wills, by bringing about a better understanding of the principles upon which these institutions are founded, and by promoting conditions of stability and well-being. They will seek to eliminate conflict in their international economic policies and will encourage economic cooperation between any of all of them.”;

(6) the commitment of NATO allies during 18 years of security, humanitarian, and stabilization efforts in Afghanistan has been invaluable, and the sacrifices of NATO allies deserve the highest order of respect and gratitude;

(7) the United States remains focused on long-term strategic competition with Russia, and a strong NATO alliance plays an essential role in addressing such competition and mitigating shared security concerns;

(8) the United States should—

(A) deepen defense cooperation with non-NATO European partners, bilaterally and as part of the NATO alliance; and

(B) encourage security sector cooperation between NATO and non-NATO defense partners that complements and strengthens collective defense capability, and allies’ commitment to Article 3 of the North Atlantic Treaty;

(9) bolstering NATO cooperation and enhancing security relationships with non-NATO European partners to counter Russian aggression, including Russia’s use of hybrid warfare and the establishment of a military power to alter the status quo, strengthens the United States security interests for long-term strategic competition;

(10) the enhanced NATO military presence, bolster exercises and training, enhance pre-positioning of equipment and infrastructure, and build partner capacity, and investments toward such efforts by NATO allies and other allies and partners to build collective defense in the future;

(11) the United States should—

(A) continue to support efforts by NATO allies to replace Soviet-era military systems and equipment with systems that are interoperable among NATO members; and

(B) work with NATO allies and other allies and partners to build permanent mechanisms to strengthen supply chains, enhance supply chain security, and fill supply chain gaps, including in critical sectors such as defense, energy, and health;

(12) the United States and NATO allies should—

(A) continue—

(i) to carry out key initiatives to enhance readiness, military mobility, and national resilience in support of NATO’s ongoing COVID-related efforts;

(ii) to collaborate on ways to enhance collective security, with a focus on emerging and revolutionary technologies such as quantum computing, artificial intelligence, fifth generation telecommunications networks, and machine learning; and

(iii) to build on recent progress in achieving the goals set at the 2014 Wales Summit and reaffirmed at the 2016 Warsaw Summit and the 2021 Brussels Summit, and to build consensus to invest in the full range of defense capabilities necessary to deter and defend against potential adversaries; and

(B) expand cooperation efforts on cybersecurity issues to prevent adversaries and criminals from compromising critical systems and infrastructure.

SEC. 1238. SENSE OF SENATE ON CONTINUING SECURITY FOR ESTONIA, LATVIA, AND LITHUANIA.

It is the sense of the Senate that—

(1) the United States should continue to prioritize support for efforts by the Baltic states of Estonia, Latvia, and Lithuania to build and invest in critical security areas, as such efforts are important to achieving United States national security objectives;

(2) Estonia, Latvia, and Lithuania play a crucial role in strategic efforts—

(A) to deter aggression; and

(B) to maintain the collective security of the North Atlantic Treaty Organization alliance;

(3) the United States should continue to pursue efforts consistent with the comprehensive, multinational assessment of the military requirements of Estonia, Latvia, and Lithuania provided to Congress in December 2020;

(4) the Baltic security cooperation roadmap has proven to be a successful model to enhance intra-regional Baltic planning and cooperation, particularly with respect to longer-term regional capability projects, including—

(A) integrated air defense;

(B) maritime domain awareness;

(C) command, control, communications, computers, intelligence, surveillance, and reconnaissance; and

(D) Special Operations Forces development;

(5) Estonia, Latvia, and Lithuania are to be commended for their efforts to pursue joint procurement of select defense capabilities and should explore additional areas for joint collaboration;

(6) the Department of Defense should—

(A) continue efforts to enhance interoperability among Estonia, Latvia, and Lithuania and in support of North Atlantic Treaty Organization efforts;

(B) encourage infrastructure and other host-country support improvements that enhance United States and allied military mobility across the region;

(C) invest in efforts to improve resilience to hybrid threats and cyber defenses in Estonia, Latvia, and Lithuania; and

(D) support planning and budgeting efforts of Estonia, Latvia, and Lithuania that are regionally synchronized.

Subtitle E—Matters Relating to the Indo-Pacific Region

SEC. 1241. EXTENSION AND MODIFICATION OF INDO-PACIFIC MARITIME SECURITY INITIATIVE.

(a) ASSISTANCE AND TRAINING.—Subsection (a)(1) of section 1263 of the National Defense Authorization Act for Fiscal Year 2016 (10 U.S.C. 333 note) is amended, in the matter before paragraph (4), by striking “for the purpose of” and all that follows through “Indian Ocean” and inserting “with the primary goal of increasing multinational maritime and security cooperation and the domain awareness of foreign countries in the area of responsibility of the United States Indo-Pacific Command”.

(b) RECIPIENT COUNTRIES.—Subsection (b) of such section is amended to read as follows:

“(b) RECIPIENT COUNTRIES.—The foreign countries that may be provided assistance and training under this section are the countries located within the area of responsibility of the United States Indo-Pacific Command.”.

(c) TYPES OF ASSISTANCE AND TRAINING.—

Subsection (c)(1) of such section is amended by striking “small-scale military construction” and inserting “small-scale construction (as defined in section 301 of title 10, United States Code)”.

(d) PRIORITIES FOR ASSISTANCE AND TRAINING.—

Subsection (d) of such section is amended to read as follows:

“(d) PRIORITIES FOR ASSISTANCE AND TRAINING.—In developing programs for assistance and training to be provided under subsection (a), the Secretary of Defense shall prioritize assistance, training, or both, to enhance—

(1) multilateral cooperation and coordination among recipient countries; or

(2) the capabilities of a recipient country to more effectively participate in a regional organization of which the recipient country is a member.”.

(e) INCREMENTAL EXPENSES OF PERSONNEL OF CERTAIN OTHER COUNTRIES FOR TRAINING.—


(f) AVAILABILITY OF FUNDS.—Subsection (f) of such section is amended to read as follows:

“(f) AVAILABILITY OF FUNDS.—Of the amounts authorized to be appropriated for the payment of such incremental expenses (as defined in section 301 of title 10, United States Code)”.

(g) CONSULTATION.—

Section 240(c) of such section is amended by inserting “with a partner” after “consistent with” each place it appears.

(h) MODIFICATION OF INDO-PACIFIC MARITIME SECURITY INITIATIVE.—

Subparagraph (A) of section 244(a) of such section is amended by inserting “or” before “United States” each place it appears.
each of fiscal years 2022 through 2027 for the Department of Defense, Operation and Maintenance, Defense-wide, $50,000,000 may be made available for the provision of assistance as provided in subsection (a)."

(g) LIMITATIONS.—Such section is further amended—

(1) by striking subsection (i);

(2) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(3) by inserting after subsection (i) the following new subsection (g):

"(g) LIMITATIONS.—"

(1) ASSISTANCE OTHERWISE PROHIBITED BY LAW.—The Secretary of Defense may not use the assistance provided in subsection (a) to provide any type of assistance described in subsection (c) that is otherwise prohibited by any provision of law.

(2) PROHIBITION ON ASSISTANCE TO UNITS THAT HAVE COMMITTED GROSS VIOLATIONS OF HUMAN RIGHTS.—The provision of assistance pursuant to a program under subsection (a) shall be subject to the provisions of section 362 of title 10, United States Code.

(3) SECURITY COOPERATION.—Assistance, training, and exercises with recipient countries under a program under subsection (a) shall be planned and prioritized consistent with applicable guidance relating to the security cooperation program and activities of the Department of Defense.

"(4) ASSESSMENT, MONITORING, AND EVALUATION.—The provision of assistance and training pursuant to a program under subsection (a) shall be subject to the provisions of section 383 of title 10, United States Code.

(b) NOTICE TO CONGRESS ON ASSISTANCE AND TRAINING.—Subsection (h)(1) of such section, as so redesignated, is amended—

(1) by amending subparagraph (B) to read as follows:

"(B) A detailed justification of the program for the provision of the assistance or training concerned, its relationship to United States security interests, and an explanation of the manner in which such assistance or training will increase multilateral maritime security cooperation or maritime domain awareness; and"

(2) in subparagraph (G) by striking "the geographic combatant command concerned" and inserting "the United States Indo-Pacific Command;"

(i) A MONITORING REPORT.—Subsection (i) of such section, as so redesignated, is amended—

(1) in subparagraph (A)—

(A) in the matter preceding subparagraph (A), by striking "March 1, 2020" and inserting "March 1, 2022;"

(B) by redesignating subparagraphs (A) through (G) as subparagraphs (B) through (H), respectively;

(C) by inserting before subparagraph (B), as so redesignated, the following new subpar.

"(ii) the implementation of the National Defense Strategy with respect to the Indo-Pacific region;"

(iii) The maintenance or restoration of the comparative military advantage of the United States and respect to the People’s Republic of China;

(iv) The reduction of the risk of exercising contingency plans of the Department of Defense;

(v) MATTERS TO BE INCLUDED.—The report required under subparagraph (A) shall include the following:

(aa) With respect to the achievement of the objectives described in subparagraph (A), a description of the intended force structure and posture of assigned and allocated forces in each of the following fiscal years, to achieve the following objectives:

(1) Implementation of the National Defense Strategy with respect to the Indo-Pacific region.

(2) The maintenance or restoration of the comparative military advantage of the United States and respect to the People’s Republic of China.

(3) The reduction of the risk of exercising contingency plans of the Department of Defense;

(bb) a description of the requirements for each such amount.

(cc) With respect to operation and maintenance accounts—

(1) amounts displayed by account, budget activity, line number, program element, test, and evaluation accounts—

(2) amounts displayed by account, budget activity, line number, program element, and program element title; and

(dd) With respect to military personnel accounts—

(1) amounts displayed by account, budget activity, budget subactivity, and budget subactivity title; and

(bb) a description of the requirements for each such amount.

(2) With respect to each project under military construction accounts (including unspecified minor military construction and accounts for planning and design), the country, location, project title, and project amount for each fiscal year.

(3) With respect to any expenditure or appropriated appropriation not described in items (aa) through (ee), a level of detail equivalent to or greater than the level of detail provided in the future-years defense program submitted pursuant to section 221 of title 10, United States Code.

(C) FORM.—The report required under subparagraph (A) may be submitted in classified form, but shall include an unclassified summary.

(D) AVAILABILITY.—Not later than February 1 each year, the Commander of the United States Indo-Pacific Command shall submit to the Secretaries of Defense, the Under Secretary of Defense for Policy, the Under Secretary of Defense for
(a) Initial briefing.—Not later than 15 days after the submission of the budget of the President to Congress pursuant to section 1105 of title 31, United States Code for fiscal year 2022, the Secretary of Defense (acting through the Under Secretary of Defense for Policy, the Under Secretary of Defense (Comptroller), and the Director of Cost Assessment and Program Evaluation) and the Chairman of the Joint Chiefs of Staff shall provide to the congressional defense committees a joint briefing, and any written comments the Secretary of Defense and the Chairman of the Joint Chiefs of Staff consider appropriate, with respect to the assessments of the feasibility and advisability of the plan required by subparagraph (B)(vi) of that paragraph.

(b) Subsequent briefing.—Not later than 30 days after the submission of the budget of the President to Congress pursuant to section 1105 of title 31, United States Code for each of fiscal years 2023 and 2025, the Secretary of the Air Force, the Secretary of the Navy, and the Secretary of the Army shall provide to the congressional defense committees a joint briefing, and documents as appropriate, with respect to their assessments of the plan submitted under paragraph (1), including their assessments of the feasibility and advisability of the plan required by subparagraph (B)(vi) of that paragraph.

(c) Plan required.—At the same time as the submission of the budget of the President to Congress pursuant to section 1105 of title 31, United States Code for fiscal year 2023, and annually thereafter through fiscal year 2025, the Secretary, in consultation with the Commander of the United States Indo-Pacific Command, shall submit to the congressional defense committees a report on future year activities and resources for the Initiative that includes the following:

(1) a description of the activities and resources for the first fiscal year beginning after the date of submission of the report and the plan for not fewer than the four following years;

(A) functionally, by the activities described in paragraphs (1) through (5) of subsection (b); and

(B) geographically by—

(i) areas west of the International Date Line;

(ii) States outside the contiguous United States east of the International Date Line; and

(iii) States in the contiguous United States;

(2) a summary of progress made toward achieving the purposes of the Initiative;

(3) a summary of the activity, resource, capability, infrastructure, and logistics requirements necessary to achieve measurable progress in reducing risk to the joint force’s ability to achieve objectives in the region;

(4) a detailed timeline to achieve the requirements identified under paragraph (3);

(5) a detailed explanation of any significant modifications to such requirements, as compared to plans previously submitted under this subsection; and

(6) any other matter, as determined by the Secretary.

SEC. 1243. EXTENSION OF AUTHORITY TO TRANSFER FUNDS FOR BIEN HOA DIOXIN CLEANUP.


SEC. 1244. COOPERATIVE PROGRAM WITH VIETNAM TO ACCOUNT FOR VIETNAMESE PERSONNEL MISSING IN ACTION.

(a) Program.—The Secretary of Defense, in coordination with the heads of other Federal departments and agencies, may carry out a cooperative program with the Ministry of Defense of Vietnam and other entities of the Government 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) Authorizations for improving, 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 of Defense considers necessary and appropriate.

(6) Termination.—The authority provided by this section (a) shall terminate on October 1, 2026.

SEC. 1245. ASSESSMENT OF AND PLAN FOR IMPROVING THE DEFENSIVE ASYMMETRIC CAPABILITIES OF TAIWAN.

(a) Assessment.—The Secretary of Defense shall develop, in coordination with the heads of other relevant Federal departments and agencies, a plan for improving the defensive asymmetric capabilities of Taiwan in accordance with the Taiwan Relations Act (Public Law 96-8; 22 U.S.C. 3301 et seq.), including—

(1) the current defensive asymmetric capabilities of Taiwan and the ability of Taiwan to defend itself from external conventional military threats;

(2) the applicability of Department of Defense authorities, or modifications to existing Department authorities, necessary for Taiwan to maintain a sufficient self-defense capability by increasing exchanges between senior defense officials of the United States and Taiwan at the strategic, policy, and functional levels, consistent with the Taiwan Travel Act (Public Law 115-135; 132 Stat. 341), especially for the purposes of—

(A) improving the interoperability of the military forces of the United States and Taiwan;

(B) improving the reserve forces of Taiwan; and

(C) expanding cooperation in humanitarian assistance and disaster relief;

(2) Developing the feasibility and advisability of assisting Taiwan in the domestic production of defensive asymmetric capabilities, including through the transfer of intellectual property, co-development, or co-production arrangements;

(3) the plan required by subsection (b).

(b) Plan.—The Secretary of Defense shall develop a plan for assisting Taiwan in improving its defensive asymmetric capabilities that includes—

(1) recommendations for new Department of Defense authorities, or modifications to existing Department authorities, necessary to improve the defensive asymmetric capabilities of Taiwan in accordance with the Taiwan Relations Act (Public Law 96-8; 22 U.S.C. 3301 et seq.);

(2) an identification of opportunities for key leader and subject matter expert engagement between Department personnel and military and civilian counterparts in Taiwan and; and

(3) an identification of challenges and opportunities for leveraging non-Department authorities, resources, and capabilities to improve the defensive asymmetric capabilities of Taiwan in accordance with the Taiwan Relations Act (Public Law 96-8; 22 U.S.C. 3301 et seq.).

(c) 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—

(1) a report on the results of the assessment required by subsection (a), and

(2) the plan required by subsection (b).

(d) Definitions.—In this section:

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

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) DEFENSIVE ASYMMETRIC CAPABILITIES.—The term “defensive asymmetric capabilities” means the capabilities necessary to defend Taiwan against external threats, including coastal defense missiles, naval mines, anti-aircraft capabilities, cyber defenses, and special operations.

SEC. 1246. ANNUAL FEASIBILITY BRIEFING ON COOPERATION BETWEEN THE NATIONAL GUARD AND TAIWAN.

(a) SENSE OF CONGRESS.—The Congress finds that the United States should—

(1) continue to support the development of capable, ready, and modern defense forces necessary for Taiwan to maintain a sufficient self-defense capability by increasing exchanges between senior defense officials and general officers of the United States and Taiwan at the strategic, policy, and functional levels, consistent with the Taiwan Travel Act (Public Law 115-135; 132 Stat. 341), especially for the purposes of—

(A) improving the interoperability of the military forces of the United States and Taiwan;

(B) improving the reserve forces of Taiwan; and

(C) expanding cooperation in humanitarian assistance and disaster relief;

(2) develop a partnership between the National Guard and Taiwan on a range of activities, including traditional activities of the combatant commands, cooperation with the National Guard, and through multilateral activities; and

(3) using appropriate authorities and consistent with the Taiwan Relations Act (Public Law 96-8; 22 U.S.C. 3301 et seq.), seek to develop a partnership between the National Guard and Taiwan as a means of maintaining a sufficient self-defense capability.

(b) BRIEFING.—(1) IN GENERAL.—Not later than February 15, 2022, and annually thereafter, the Secretary of Defense shall provide to the congressional defense committees a joint briefing, and documents as appropriate, with respect to the assessments of the feasibility and advisability of enhanced cooperation between the National Guard and Taiwan that includes—

(i) disaster and emergency response;

(ii) cyber defense and communications security; and

(iii) military medical cooperation;
under paragraph (2), shall be conducted.

tive analyses, including the assessments
shall develop procedures by which compara-

Director of the Office of Net Assessment,
States Armed Forces by convincing the
combined joint response by the United
ple's Republic of China for invading and seiz-
accompli'' refers to the strategy of the Peo-

SEC. 1247. DEFENSE OF TAIWAN.

(2) FAIT ACCOMPLI.—The term "fait accompli" refers to the strategy of the Peo-
the People’s Republic of China to execute a fait
accompli against Taiwan before the United

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(iv) Mandarin-language education and cul-
tural exchange; and

(or) programs for National Guard advisors
to assist in training the reserve components of
the military forces of Taiwan.

(C) Recommendations to enhance such co-
operation and improve interoperability, in-
cluding through familiarization visits, coop-
erative training and exercises, and co-de-
ployments.

(D) Any other matter the Secretary of De-


SEC. 1248. COMPARATIVE ANALYSES AND RE-
PORTS ON EFFORTS BY THE UNITED STATES AND THE PEOPLE’S REPUB-
LIC OF CHINA TO ADVANCE CRIT-
ICAL MODERNIZATION TECHNO-
LOGY WITH RESPECT TO MILI-
TARY APPLICATIONS.

(a) COMPARATIVE ANALYSES.—

(1) DEVELOPMENT OF PROCEDURES.—

(A) IN GENERAL.—Not later than 270 days
after the date of the enactment of this Act,
the Under Secretary of Defense for Research
and Engineering, in coordination with the
Director of the Office of Net Assessment,
shall develop procedures by which compara-
tive analyses be conducted with respect to
a specific technology, sector, or system of
interest;

(ii) by which teams of technical, indus-
trial, policy, intelligence, and operational
experts consisting of personnel of the De-
partment of Defense, other Federal depart-
ment programs and activities designed to ad-


China has an advantage would be inconclu-

(iv) A description of the limitations, con-
straints, and challenges encountered in car-
rying out the comparative analysis assess-
ment.

(V) A description of any other research and
development efforts or elements the Under
Secretary considers appropriate for purposes of
the comparative analysis assessment.

(VI) Recommendations with respect to ad-
ditional activities by the Department nec-


tory and new intelligence collection requirements
shall conduct a compara-
tive analysis assessment of the efforts of the
United States Government and the Govern-
ment of the People’s Republic of China to de-
velop and deploy critical modernization and
technology with respect to military applica-
tions in each of the following areas of crit-

modernization technology:

(i) Directed energy systems.

(ii) Hypersonics.

(iii) Emerging biotechnologies.

(iv) Quantum science.

(v) Cyberspace capabilities.

(B) ELEMENTS.—Each comparative analysis
assessment under subparagraph (A) shall in-
clude an evaluation of each of the following:

(i) With respect to the applicable area of
critical modernization technology described in
paragraph (A), research and develop-
ment activities carried out in the United
States and the People’s Republic of China
by governmental entities and nongovernmental
entities.

(ii) The ability of research programs car-
ried out by the United States Government
and the Government of the People’s Republic
of China to achieve the goals of—

(1) transitioning emerging technologies
into acquisition efforts and operational use;

(II) incorporating emerging technologies into military applications.

(iii) the viability of established and
emerging concepts relating to the application
and operationalization of critical modernization

technologies.

(iv) The ability of defense systems of the
United States and the People’s Republic of
China to counter relevant threat capabili-
ties.

(b) REPORTS.—

(1) INITIAL REPORT.—Not later than March
15, 2022, the Under Secretary shall submit a
report and provide a briefing to the congres-
sional defense committees on efforts to de-
velop the procedures required by subsection
(a)(1).

(2) SUBSEQUENT REPORTS.—

(A) DIRECTED ENERGY SYSTEMS AND HYPERSOUND TECHNOLOGY.—

By December 31, 2023, the Under Secretary shall submit to the
congressional defense committees a report on the results of the comparative analysis
assessment required by subsection (a)(2)(A).

(B) EMERGING BIOTECHNOLOGIES, QUANTUM SCIENCE, AND CYBERSPACE CAPABILITIES.—Not later than January 31, 2024, the Under Secre-
tary shall submit to the congressional defense committees a report on the results of the comparative analysis assessments required by subsections (i), (iv), and (v) of
subsection (a)(2)(A).

(C) ELEMENTS.—The reports required by
subparagraphs (A) and (B) shall include the
following for each such comparative analysis
assessment:

(i) The results of the evaluation of each element described in subsection (a)(2)(B).

(ii) A list of countries, other than the
United States and the People’s Republic of
China, with significant research and develop-
ment programs and activities designed to ad-

ance the applicable area of critical mod-
ernization technology described in
subsection (a)(2)(A), and a discussion of such programs
and activities for each such coun-
try.

(iii) With respect to each such area of crit-

tical modernization technology, an identifica-
tion of any area in which the degree of un-
certainty and the role of the People’s Repub-
lic of China, and the role and mission of the
People’s Liberation Army with respect to
such developments.
“(B) The role of the People’s Liberation Army in the Chinese Communist Party, including with respect to the structure and leadership of the Central Military Commission.

“(C) The internal security role and affiliation of the People’s Liberation Army with the People’s Armed Police and other law enforcement and paramilitary entities of the People’s Republic of China.

“(3) The role of the People’s Liberation Army in, and its support of, the overall foreign policy of the People’s Republic of China, as expressed through military diplomacy and other external actions, activities, and operations, including—

“(A) A description of Chinese military-to-military relationships with other countries, including—

”(i) Chinese military attached presence, activities, exercises, and agreements with the militaries of other countries; and

”(ii) military education programs conducted—

”(I) in the People’s Republic of China for militaries of other countries; or

”(II) in other countries for personnel of the People’s Liberation Army.

”(B) A description of any significant sale or transfer of military hardware, expertise, and technology to or from the People’s Republic of China, including—

”(i) a forecast of possible future sales and transfers;

”(ii) a description of the implications of such sales and transfers for the security of the United States and its partners and allies; and

”(iii) a description of any significant assistance to and from any selling state with military-related research and development programs in the People’s Republic of China.

”(C) A detailed analysis of the posture of the People’s Liberation Army, including the following—

”(I) an assessment of developments, including the roles and missions, organization, capabilities, force structure, readiness, and modernization efforts of such services, theater-level commands, and paramilitary organizations;

”(II) a summary of the order of battle of the People’s Liberation Army, including ballistic and cruise missile inventories;

”(III) an assessment of developments relating to the China Coast Guard, including the manner in which the command structure of the China Coast Guard affects its status as a law enforcement, its interaction with the Armed Forces of the United States, and the implications for its use as a coercive tool in maritime disputes.

”(D) Developments and future course of the theater-level commands of the People’s Liberation Army, including the roles and missions, structure, and size, location, and capabilities of the strategic, land, sea, air, and other forces of such theater-level commands.

”(E) Developments in the People’s Liberation Army as a global actor, such as overseas military sales and sales and nonmilitary activities in the South China Sea or East China Sea affecting United States military or governmental interests related to denial of access, compromised intelligence activities, and network advantages of Chinese investments or projects in other countries.

”(F) Efforts (including by espionage and technology transfers) by the People’s Republic of China to conduct criminal or non-criminal activities, such as cyber theft or acquisition of advanced technologies that would enhance defense capabilities or otherwise undermine the capability of the Department of Defense to conduct information assurance, including an assessment of the damage inflicted on the Department of Defense by such efforts.

”(G) The strategy of the People’s Republic of China regarding Taiwan and the security situation in the Taiwan Strait, including—

”(I) a detailed analysis of the posture of the People’s Liberation Army facing Taiwan; and

”(II) an assessment of any challenges during the preceding year to the deterrent intelligence assets of the People’s Republic of China.

”(H) The strategy, policy, development, and modernization of key military capabilities of the People’s Republic of China across the People’s Liberation Army, including an assessment of the following:

”(i) the cyberwarfare and electronic warfare capabilities of the People’s Republic of China (including details on the number of malicious cyber incidents originating from the People’s Republic of China against Department of Defense and other associated activities originating or suspected to have originated from the People’s Republic of China);

”(ii) the space and counter-space programs and capabilities of the People’s Republic of China;

”(I) The nuclear program and capabilities of the People’s Republic of China, including—

”(i) its nuclear strategy and associated doctrines;

”(ii) the size and state of its stockpile and projections of its future arsenals;

”(iii) its civil and military production capacities; and

”(iv) the modernization and force structure of its strategic forces.

”(J) The anti-access and area denial capabilities of the People’s Republic of China;

”(K) The command, control, communications, computers, intelligence, surveillance, and reconnaissance modernization program, and the capabilities of the People’s Republic of China and the applications for such program and capabilities for the People’s Republic of China’s precision-guided weapons.

”(L) Trends and developments in the budget, resources, strategies, and policies of the People’s Liberation Army with respect to science and technology research and development, and the use of espionage and technology transfers by the People’s Republic of China, including the following:

”(I) an assessment of the relationship between Chinese overseas investment (including the Belt and Road Initiative, the Digital Silk Road, and any state-owned or state-controlled digital or physical infrastructure projects of the People’s Republic of China) and Chinese security and military strategy objectives, including—

”(i) a description of any Chinese investment or project, located in any other country, that is linked to military or intelligence cooperation with such country, such as an operation on satellite navigation or arms production; and

”(ii) an assessment of the implications for United States military or governmental interests related to denial of access, compromised intelligence activities, and network advantages of Chinese investments or projects in other countries.

”(M) The Secretary’s assessment of how such military-to-military contacts fit into the larger security relationship between the United States and the People’s Republic of China.

”(N) The Secretary’s determination whether or not any military-to-military exchange or contact was conducted during the period covered by the report in violation of section 1200(a).

”(13) Any other significant military or security development involving the People’s Republic of China the Secretary considers relevant to United States security.

”(c) FORM.—Each report required by subsection (a) shall be submitted in unclassified form but may include a classified annex.

”SPECIFIED CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ‘specified congressional committees’ 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. 1250. FEASIBILITY REPORT ON ESTABLISHING MORE ROBUST MILITARY-TO-MILITARY CRISIS COMMUNICATIONS WITH THE PEOPLE’S REPUBLIC OF CHINA.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the heads of other relevant Federal departments and agencies, submit to the appropriate committees of Congress a report on the feasibility and advisability of establishing more robust military-to-military communications with the People’s Republic of China.

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

”(1) An articulation of—
(A) the importance of robust military-to-military communications with the People's Republic of China; and
(B) the utility of such communications to enable the prevention of misunderstandings, reduce the possibility of miscalculation, and manage possible escalation in crisis situations.

(2) To ensure that the current process and capabilities relating to crisis communications with the People's Republic of China, including the means, levels of seniority, and timelines for such communications,

(3) An identification of opportunities for improving military-to-military crisis communications with the People's Republic of China, including the means, levels of seniority, and timelines for such communications,

(4) A roadmap, including milestones, for establishing processes and capabilities associated with the opportunities identified under paragraph (3),

(5) An identification of challenges to establishing robust military-to-military crisis communications with the People's Republic of China,

(6) Any other matter the Secretary of Defense considers appropriate.

(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 Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1251. SEMIANNUAL BRIEFINGS ON EFFORTS TO DETER CHINESE AGGRESSION AND MILITARY COERCION.

(a) In General.—Not later than January 15, 2022, and every 180 days thereafter through 2024, the Secretary of Defense shall provide to the congressional defense committees a briefing on Department of Defense efforts to deter Chinese aggression and military coercion.

(b) Requirements.—Each briefing required by subsection (a) shall include a description of—

(1) Department efforts to strengthen deterrence of Chinese aggression and military coercion in the Indo-Pacific region, including the level of armed conflict and outside the Indo-Pacific region;

(2) the manner in which resources provided through the Pacific Deterrence Initiative are being applied in support of such efforts;

(3) the extent to which such efforts are coordinated with, and complement, efforts of other Federal departments and agencies to deter Chinese aggression and military coercion;

(4) the manner in which the Department seeks to leverage military-to-military relations with other nations, including agreements and executive agreements, information and intelligence sharing, and security assistance to allies and partners in support of such efforts; and

(5) any other matter the Secretary considers relevant.

SEC. 1252. SENSE OF CONGRESS ON DEFENSE ALLIANCES AND PARTNERSHIPS IN THE INDO-PACIFIC REGION.

(a) FINDINGS.—Congress makes the following findings:

(1) The Interim National Security Strategic Guidance issued by the President in March 2021 states the following:

(2) "For decades, our allies have stood by our side against common threats and adversaries, and worked hand-in-hand to advance our shared interests and values. They are a tremendous source of strength and a unique American advantage, helping to shoulder the responsibilities required to keep our nation safe and our people prosperous."

(3) The National Defense Strategy issued by the Secretary of Defense in January 2019 states the following:

(4) "Our democratic alliances enable us to present a common front, produce a unified vision, and pool our strength to promote high standards, establish effective inter-allied coordination, and hold countries like China to account."

(5) "We will reaffirm, invest in, and modernize our alliances with Australia, Japan, and the Republic of Korea—which, along with our other global alliances and partnerships, are America's greatest strategic asset."

(6) On January 19, 2021, Secretary of Defense Lloyd J. Austin III stated to the Committee on Armed Services of the Senate, "[w]e are committed to a free and open Indo-Pacific region, and will maintain very, very close security ties with our partner nations in the area."

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should commit to and strengthen United States defense and security partnerships in the Indo-Pacific region so as to further the comparative advantage of the United States in strategic competition with the People's Republic of China, including by—

(1) enhancing cooperation with Japan, consistent with the Treaty of Mutual Cooperation and Security Between the United States and Japan, including by developing advanced military capabilities, fostering interoperability across all domains, and improving sharing of information and intelligence;

(2) reinforcing the United States alliance with the Republic of Korea, consistent with the Mutual Defense Treaty Between the United States and the Republic of Korea, in support of the shared objective of a peaceful and stable Korean Peninsula;

(3) fostering cooperation with Australia, consistent with the Australia, New Zealand, United States Security Treaty, to advance shared security objectives and build the capabilities of emerging partners;

(4) advancing United States alliances with the Philippines and Thailand and United States partnerships with other partners in the Association of Southeast Asian Nations to enhance maritime domain awareness, promote sovereignty and territorial integrity, and collaborate on investing in strategic technology sectors and critical infrastructure;

(5) broadening the engagement of the United States and its allies and partners through the Quadilateral Security Dialogue—

(A) to advance the shared objective of a free and open Indo-Pacific region through bilateral and multilateral engagements and participation in military exercises, expanded defense trade, and collaboration on humanitarian aid and disaster response; and

(B) to enhance cooperation on maritime security and the threat of global pandemics, including COVID-19;

(6) strengthening the United States relationship with Canada and Mexico, consistent with the Three Communiqués, the Taiwan Relations Act (Public Law 96-8; 22 U.S.C. 3301 et seq.), and the Six Assurances, with the goal of improving defense-to-defense cooperation, capabilities, and promoting peaceful cross-strait relations; and

(7) reinforcing the status of the Republic of Singapore as a Major Security Cooperation Partner of the United States and continuing to strengthen defense and security cooperation with the Republic of Singapore and the Armed Forces of the United States, including through participation in combined exercises and training, the use of the USS George Washington Integrated Training Center at Ebbing Air National Guard Base in Fort Smith, Arkansas.

Subtitle F—Reports

SEC. 1261. REPORT ON SECURITY COOPERATION AUTHORITIES AND ASSOCIATED RESOURCES FOR THE SECURITY FORCE ASSISTANCE BRIGADES.

Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report that—

(1) describes the existing Department of Defense security cooperation authorities and associated resources used by the Security Force Assistance Brigades of the Army to effectively fulfill the security cooperation requirements of the combatant commands; and

(2) identifies any gap in such authorities or associated resources.

SEC. 1262. INDEPENDENT ASSESSMENT WITH RESPECT TO ARCTIC REGION AND ESTABLISHMENT OF ARCTIC SECURITY INITIATIVE.

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

(1) the security, stability, and prosperity of the Arctic region are vital to the national interests of the United States;

(2) the United States should posture a military capability in the region that is able to project power, deter acts of aggression, and respond to threats and contingencies that arise within and arising from the Arctic region;

(3) the defense of the United States and its allies from the People's Republic of China, the Russian Federation, the Democratic People's Republic of Korea, and any other potential aggressor remains a top priority;

(4) persistent efforts by the Department of Defense to realize the security cooperation requirements in the Arctic region, and commit additional assets to and increase investments in the Arctic region, are necessary to maintain a robust United States commitment to the Arctic region; and

(5) the United States commitment to freedom of navigation and ensuring free access to sea lanes and overflights for the Navy and the Air Force remains a core security interest.

(b) INDEPENDENT ASSESSMENT.—

(1) IN GENERAL.—Not later than February 15, 2022, the Commander of the United States Northern Command, in consultation and coordination with the Commander of the United States Pacific Command, the Commander of the United States European Command, the military services, and the defense agencies, shall conduct an independent assessment with respect to the activities and resources required, for fiscal years 2023 through 2027, to achieve the following objectives:

(A) The implementation of the National Defense Strategy and military service-specific strategies with respect to the Arctic region;

(B) The maintenance or restoration of the comparative military advantage of the United States in response to great power competitors in the Arctic region;

(C) The reduction of executing operation and contingency plans of the Department of Defense.
(D) To maximize execution of Department operation and contingency plans, in the event deterrence fails.
(2) ELEMENTS.—The assessment required by paragraph (1) shall include the following:
(A) An analysis of, and recommended changes to achieve, the required force structure and posture of assigned and allocated forces within the Arctic region for fiscal year 20227 necessary to achieve the objectives described in paragraph (1), which shall be informed by—
(i) a review of United States military requirements based on operation and contingency plans, capabilities of potential adversaries or assessed shortfalls of the Armed Forces within the Arctic region, and scenarios that consider—
(I) potential contingencies that commence in the region or with a snowball effect and that commence in other regions but affect the Arctic region;
(II) use of near-, mid-, and far-time horizons to encompass the range of circumstances required to test new concepts and doctrine;
(III) supporting analyses that focus on the number and regionally posted military units and the quality of capability of such units;
(ii) a review of current United States military force posture and deployment plans within the Arctic region, especially of Arctic-based forces that provide support to, or receive support from, the United States Northern Command, the United States Indo-Pacific Command, or the United States European Command;
(iii) an analysis of potential future realignments of United States forces in the region, including options for strengthening United States presence, access, readiness, training, exercises, logistics, and pre-positioning; and
(iv) an assessment and identification of required infrastructure and military construction investments to achieve such objectives.
(B) REPORT.—
(A) IN GENERAL.—Not later than 30 days after the date on which the Secretary submits the report under subparagraph (A), the Secretary shall submit a classified briefing on the Global Force Management Allocation Plan being implemented as of October 1 of the year in which the report is provided.
(B) FIVE-YEAR PLAN FOR THE INITIATIVE.—
(I) IN GENERAL.—The Secretary, in consultation with the Commander of the United States Northern Command, shall submit to the congressional defense committees a future years plan for the activities and resources of the Initiative that includes the following:
(I) A description of the activities and resources for the first fiscal year beginning after the date on which the Initiative is established, and not later than the four subsequent fiscal years, organized by the activities described in paragraph (1)(C).
(II) A summary of progress made toward achieving the objectives described in subsection (b)(1).
(III) A summary of the activity, resource, capability, infrastructure, and logistics requirements necessary to achieve measurable progress in reducing risk to the ability of the joint force to achieve objectives in the Arctic region, including, as appropriate, investments in—
(aa) active and passive defenses against—
(AA) manned aircraft, surface vessels, and submarines;
(BB) unmanned naval systems;
(CC) unmanned aerial systems; and
(DD) theater cruise, ballistic, and hypersonic missiles;
(bb) advanced long-range precision strike systems;
(cc) command, control, communications, computers, intelligence, surveillance, and reconnaissance systems;
(dd) training and test range capacity, capability, and coordination;
(ee) dispersed resilient and adaptive basing to support distributed operations, including expeditionary airfields and ports, space launch facilities, and command posts;
(ff) advanced critical munitions;
(gg) pre-positioned forward stocks of fuel, munitions, equipment, and material;
(hh) distributed logistics and maintenance capabilities; and
(ii) strategic mobility assets, including icebreakers;
(jj) improved interoperability, logistics, transnational supply lines and infrastructure, information assurance and services, and other capabilities and partners, including scientific missions; and
(II) information operations capabilities.
(C) FORM.—The report required by subparagraph (A) shall be—
(i) consistent with the objectives described in paragraph (1)(b) and (ii) informed by the assessment required by that paragraph.
(D) ACTIVITIES.—The plan shall include the following prioritized activities to improve the design and posture of the joint force in the Arctic region:
(1) Modernize and strengthen the presence of the Armed Forces, including those with advanced capabilities.
(2) Improve logistics and maintenance capabilities and the pre-positioning of equipment, munitions, fuel, and material.
(3) Carry out a program of exercises, wargames, evaluation, experimentation, and innovation for the joint force.
(E) An assessment and identification of requirements based on operation and contingency plans, and other contingencies, and an explanation for such modifications.
"(a) REQUIREMENT.—
(1) IN GENERAL.—Not later than October 31, 2022, and annually thereafter through 2024, the Secretary of Defense shall provide to the Secretary of the Senate and House of Representatives a classified report and a classified briefing on the Global Force Management Allocation Plan for that fiscal year as a result of a shift in strategic priorities, requests for forces, or other contingencies, and an explanation for such modifications.
(2) A description of the major differences between the Global Force Management Allocation Plan for the current fiscal year and the Global Force Management Allocation Plan for the preceding fiscal year.
(3) A description of any difference between the actual global allocation of forces, as of October 1 of the year in which the briefing is provided, and the forces stipulated in the Global Force Management Allocation Plan being implemented on that date.
SEC. 1271. MODIFICATION OF UNITED STATES-ISRAEL OPERATIONS-TECHNOLOGY COOPERATION WITHIN THE UNITED STATES-ISRAEL DEFENSE ACQUISITION ADVISORY GROUP.
(a) IN GENERAL.—Section 1299M of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283) is amended—
(1) by striking the section heading and in subsection (b) the term "States-Israel Defense Acquisition Advisory Group"; and
(2) by amending subsection (a) to read as follows:
"(a) REQUIREMENT.—
"(1) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of State, shall take actions within the United States-Israel Defense Acquisition Advisory Group—
(1) to provide a standing forum for the United States and Israel to systematically share intelligence-informed military capability requirements;
(2) to identify military capability requirements common to the Department of Defense and the Ministry of Defense of Israel;
(C) to assist defense suppliers in the United States and Israel by assessing recommendations from such defense suppliers with respect to joint science, technology, research, development, test, evaluation, and production efforts;

(D) to develop, as feasible and advisable, combined United States-Israel plans to restructure and field command systems and military capabilities as quickly and economically as possible to meet common capability requirements of the Department and the Ministry of Defense of Israel;

(E) to seek ways to broaden Israeli cooperation—

(i) the signatories of the Abraham Accords;

(ii) Egypt; and

(iii) Jordan.

(2) 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.

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

(c) ESTABLISHMENT OF UNITS STATES–ISRAEL DEFENSE ACQUISITION ADVISORY GROUP.—Not later than one year after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2020, the Secretary of Defense, in consultation with the appropriate heads of other Federal agencies and with the concurrence of the Ministry of Defense of Israel, shall establish, under the United States vice chairman of the United States-Israel Defense Acquisition Advisory Group, the United States-Israel Operations-Technology Working Group to address operations and technology matters described in subsection (a)(3), as appropriate.

(A) by inserting at the end of paragraph (2), by striking “United States-Israel Defense Acquisition Advisory Group” each place it appears and inserting “United States-Israel Operations-Technology Working Group”.


SEC. 1272. PROHIBITION ON SUPPORT FOR OFFENSIVE MILITARY OPERATIONS AGAINST THE HOUGHTS IN YEMEN.

(a) In general.—None of the funds authorized to be appropriated by this Act shall be made available to provide Department of Defense support for the Saudi-led coalition’s offensive operations against the Houthis in Yemen, including for coalition strikes.

(b) Waiver.—In general, the Secretary of Defense may waive the prohibition under subsection (a) if the Secretary determines that such a waiver is in the national security interests of the United States:

(1) the waiver in writing; and

(2) not more than 30 days after issuing the waiver, submits to the Committees on Armed Services of the Senate and House of Representatives a report on the obligations that the Department of Defense has encountered in the delivery of humanitarian aid in Yemen, including the role of the Kingdom of Saudi Arabia and Ansar Allah in such obstruction.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit—

(1) United States counterterrorism cooperation with Saudi Arabia or the United Arab Emirates against al-Qaeda, the Islamic State of Iraq and Syria, or associated forces;

(2) United States operations to support efforts to defend against ballistic missile, nuclear, or chemical attack, or to meet a threat to the Kingdom of Saudi Arabia or United States territory from an explosive boat threat to international maritime traffic or civilian population centers in coalition countries, including locations in which citizens or nationals of the United States reside.

SEC. 1273. REPEAL OF AUTHORIZATION OF NON-CONVENTIONAL ASSISTED RECOVERY CAPABILITIES; MODIFICATION OF AUTHORITY FOR EXPENDITURE OF FUNDS FOR CLANDESTINE ACTIVITIES THAT SUPPORT OPERATIONAL PREPARATION OF THE ENVIRONMENT.


(b) Plan Required.—

(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 plan for transitioning the funding for activities currently conducted under the authority provided by such section 127f.

(2) PROCEDURES FOR SUBMITTAL OF CLAIMS.—

(3) POLICY UPDATES.—Not later than one year after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022, the Secretary of Defense shall ensure that the procedures established under paragraph (1) are formalized through updates to the policy referred to in section 936 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 134 note).

(c) MODIFICATION OF AUTHORITY FOR EXPENDITURE OF FUNDS FOR CLANDESTINE ACTIVITIES THAT SUPPORT OPERATIONAL PREPARATION OF THE ENVIRONMENT.—Section 127f of title 10, United States Code, is amended by striking paragraph (1) and inserting the following:


(d) PROCEDURES FOR SUBMITTAL OF CLAIMS.—

(1) by redesignating subsections (c) through (h) as subsections (a) through (i), respectively; and

(2) by inserting after subsection (g) the following new subsection (h):

(1) the prospective foreign civilian recipient is not otherwise ineligible for payment under any other provision of law;''.

(2) by redesignating subsections (d) through (h) as subsections (e) through (i), respectively; and

SEC. 1275. SECRETARY OF DEFENSE STRATEGIC COMPETITION INITIATIVE.

(a) In General.—The Secretary of Defense may provide funds for one or more Department of Defense activities or programs described in subsection (c) that advance United States national security objectives for strategic competition with near-peer rivals.

(b) PURPOSE.—The purpose of the authority under subsection (a) is to support Department of Defense programs to—

(1) to compete asymmetrically at the strategic level within and across domains with near-peer rivals, including through the fulfillment of emergent and unanticipated requirements of the combatant commands;

(2) to counter coercion by near-peer rivals against United States allies and partners in competition short of armed conflict, including by countering disinformation, malign foreign influence, and corruption by near-peer rivals to gain leverage or sow division;

(3) to integrate with, support, and enable other Federal departments and agencies to advance United States influence and interests;

(4) AUTHORIZED ACTIVITIES AND PROGRAMS.—Activities and programs for which funds may be provided under subsection (a) are as follows:

(1) the provision of funds to pay for personnel expenses of foreign defense or security personnel for bilateral or regional security cooperation programs and joint exercises, in accordance with section 321 of title 10, United States Code;
(2) Humanitarian and civic assistance, in consultation with the Secretary of State to the extent practicable, including—
(A) urgent and unanticipated humanitarian relief and reconstruction assistance; and
(B) assistance for capacity building for disaster response and risk reduction.

(3) for stabilization and counter-extremism activities of other Federal departments and agencies, including activities under—
(A) section 1210A of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1626); and
(B) section 385 of title 10, United States Code.

(4) Activities to build the institutional capacity of foreign national security forces, including efforts to counter corruption, in accordance with section 332 of title 10, United States Code.

(5) Activities to build the capabilities of the joint force and the security forces of United States allies and partners to conduct irregular warfare for strategic competition.

(6) Activities to expose and counter foreign malign influence, coercion, and subversion.

(7) Amounts made available for activities carried out pursuant to subsection (a) in a fiscal year may be derived only from amounts authorized to be appropriated for such fiscal year for the Department of Defense for operation and maintenance.

(1) RELATIONSHIP TO OTHER FUNDING.—Any amount provided by the Secretary of Defense during any fiscal year out of the Secretary of Defense Strategic Competition Initiative for an activity or program described in subsection (c) shall be in addition to amounts otherwise available for that activity or program for that fiscal year.

(b) LIMITATIONS.—Of funds made available under this section for any fiscal year—
(A) not more than $20,000,000 in each fiscal year is authorized to be obligated and expended under this section; and
(B) not more than $3,000,000 may be used to pay for personnel expenses under subsection (c)(1).

(c) PROHIBITION.—Funds may not be provided under this section for any activity that has been denied authorization by Congress.


(6) Activities to expose and counter foreign malign influence, coercion, and subversion.

(7) Activities to build the institutional capacity of foreign national security forces, including efforts to counter corruption, in accordance with section 332 of title 10, United States Code, to carry out—
(A) institutional capacity-building activities; and
(B) the Ministry of Defense Advisors program.

(8) Activities to support law enforcement agencies conducting counterterrorism, counter illicit trafficking, and counter transnational organized crime activities under section 285 of title 10, United States Code, as added by this Act.


(11) Any other authority the Secretary considers appropriate.

(12) The authority under subsection (a) shall be available through December 31, 2024.

(h) TERMINATION.—The authority under subsection (a) shall terminate on December 31, 2024.

SEC. 1278. SPECIAL OPERATIONS FORCES JOINT OPERATING CONCEPT FOR CONFLICT.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, 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 a Special Operations Forces joint operating concept for conflict and combat.

(b) ELEMENTS.—The joint operating concept required by subsection (a) shall include the following:

(1) A detailed description of the manner in which Special Operations Forces will be expected to operate in the future across the spectrum of operations, including operations below the threshold of traditional armed conflict, crisis, and armed conflict.

(2) An explanation of the roles and responsibilities of the National Mission Force and the Theater Special Operations Forces, including how such forces will be integrated with each other and with general purpose forces.

(3) An articulation of the required capabilities of the special operations forces.

(4) An explanation of the manner in which the joint operating concept relates to and fits within the joint warfighting concept produced by the Joint Chiefs of Staff.

(5) An explanation of the manner in which the joint operating concept relates to and integrates into the operating concepts of the Armed Forces.

(6) Any other matter the Assistant Secretary of Defense and the Commander consider relevant.

SEC. 1279. PLAN FOR PROVISION OF INFORMATION SUPPORT TO COMMANDERS OF THE COMBATANT COMMANDS.

(a) PLAN REQUIRED.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Under Secretary of Defense for Intelligence and Security, in coordination with the Director of National Intelligence, shall develop a plan for more effectively fulfilling the intelligence and information requirements of the combatant commands with respect to efforts by the combatant commands to expose and counter foreign malign influence, coercion, and subversion activities undertaken by, or at the direction of, on behalf, or with substantial assistance of governments of, covered foreign countries.

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

(1) An overview of current doctrine and procedures relating to the provision, sharing, and declassification of intelligence gathered by the Defense Intelligence Enterprise to support such efforts.

(2) A plan for improving the quality and timeliness of intelligence and information

(3) To strengthen the resilience of foreign security forces and ministries in such areas of responsibility against corruption and malign influence from near-peer rivals, including by building institutional capabilities for accountability and adherence to the law; and

(4) To support and enable United States Government interagency integration and activities that advance United States national security objectives for strategic competition with near-peer rivals, including by supporting activities to reduce vulnerabilities arising from the COVID–19 pandemic in such areas of responsibility.

(c) PLAN.—

(1) IN GENERAL.—The Secretary, in consultation with the Commander of the United States Southern Command and the Commander of the United States Africa Command, shall develop and submit to the congressional defense committees a plan for the initiative under subsection (a).

(2) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report containing each of the following:

(A) The authority under subsection (a) shall be available through December 31, 2024.

(B) The Ministry of Defense Advisors program.

(C) The joint operating concept for conflict and combat.

(D) The joint operating concept for conflict and combat.

(E) The joint operating concept for conflict and combat.

(F) The joint operating concept for conflict and combat.

(G) The joint operating concept for conflict and combat.

(H) The joint operating concept for conflict and combat.

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(V) The joint operating concept for conflict and combat.

(W) The joint operating concept for conflict and combat.

(X) The joint operating concept for conflict and combat.

(Y) The joint operating concept for conflict and combat.

(Z) The joint operating concept for conflict and combat.
provided to the commanders of the combatant commands to aid in such efforts, including mechanisms to enable the disclosure of foreign malign influence, coercion, and subversion to the extent practicable.

(i) in appropriate classified venues, in collaboration with relevant allies and partners; or

(ii) as unclassified information for public release.

(C) A plan to better leverage open-source and commercially available information and independent analysis to support such efforts.

(D) An identification of any additional resources or legislative authority necessary to better meet such intelligence and information requirements.

(E) An assignment of responsibilities and timelines for the implementation of the plans described in subparagraphs (B) and (C).

(F) Any other matter the Under Secretary of Defense for Intelligence and Security considers relevant.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Under Secretary of Defense for Intelligence and Security, in coordination with the Director of National Intelligence, shall submit to the appropriate committees of Congress the plan described in subsection (a).

(c) COMPTROLLER GENERAL ASSISTANCE.—Not later than 45 days after the date on which the report submitted under subsection (b), the Comptroller General of the United States shall submit to the appropriate committees of Congress an assessment of the sufficiency of the plan for meeting such intelligence and information requirements.

(d) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) COVERED FOREIGN COUNTRY.—The term "covered foreign country" means any of the following:

(A) The People's Republic of China.

(B) The Russian Federation.

(C) The Islamic Republic of Iran.

(D) The Democratic People's Republic of Korea.

(E) Any other foreign country the Under Secretary of Defense for Intelligence and Security, in coordination with the Director of National Intelligence, considers appropriate.

SEC. 1280. INDEPENDENT REVIEW OF AND RECOMMENDATIONS TO CLOSE SIGNIFICANT CAPABILITIES GAPS.

(a) IN GENERAL.—The Secretary of Defense shall establish, within the Strategic Capabilities Office of the Office of the Secretary of Defense, not fewer than two mission-oriented integration pilot programs with the objective of closing significant capability gaps by synchronizing and integrating missions across services and field agencies.

(b) ELEMENTS.—The pilot programs established under subsection (a) shall—

(1) be aligned to specific outstanding operational challenges of high importance to the operational plans of the United States Indo-Pacific Command and the United States European Command;

(2) be designed to leverage industry cost sharing by using such as private equity and venture capital funding to develop the underlying technology and overall capability for delivery to the joint force, as a product or as a service, not later than five years after the date on which the program commences;

(3) not last more than three years after such date;

(A) demonstrate proof of efficacy through operational concept experimentation and prototype development; and

(B) deliver an operational capability not later than five years after the pilot program commences;

(4) provide an operationally relevant solution for—

(A)(i) maintaining resilient aircraft operations in and around Guam in the face of evolving regional threats, including large supersonic and hypersonic missile threats; or

(ii) a similar operational challenge of strategic importance and relevance to the responsibilities and plans of the United States Indo-Pacific Command or the United States European Command; and

(B)(i) providing a resilient logistics and response capability in the face of evolving regional threats, including operations within an anti-access/area denial environment; or

(ii) a similar operational challenge of strategic importance and relevance to the responsibilities and plans of the United States Indo-Pacific Command; and

(5) be developed to incorporate—

(A) existing and planned Department of Defense systems and capabilities to achieve mission objectives; and

(B) the extent practicable, technologies that have dual-use commercial market potential.

(c) ROLE OF STRATEGIC CAPABILITIES OFFICE.—

(1) IN GENERAL.—With respect to the pilot programs established under subsection (a), the Strategic Capabilities Office of the Office of the Secretary of Defense shall—

(A) assign pilot program managers—

(i) to coordinate and collaborate with investors, performers, combatant commanders, field operations, military departments, and the Military Intelligence Function; and

(ii) to coordinate and monitor pilot program implementation;

(B) provide technical assistance for pilot program activities, including developing and implementing metrics, which shall be used—

(i) to assess the current status of the operational challenge concerned; and

(ii) to characterize the resilience of operational approaches to known threats and single points of failure.

(C) provide operational use case expertise to participants in the pilot programs; and

(D) serve as the liaison between the Armed Forces, the combatant commanders, and the participants in the pilot programs.

(2) REPORTS TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, and every five years thereafter, the head of the Strategic Capabilities Office of the Office of the Secretary of Defense shall submit to the congressional defense committees a report on the pilot programs.

(d) ADDITIONAL AUTHORITIES.—The Secretary shall assess authorities required by the pilot program managers for the effective and efficient fulfillment of the mission responsibilities, including the delegation of hiring personnel and contracting authorities.

(e) DATA.—The Secretary shall establish mechanisms to collect and analyze data on the implementation of the pilot programs for the purposes of—

(1) developing and sharing best practices for achieving goals established for the pilot programs; and

(2) providing information to the Secretary and the congressional defense committees.

(f) RELATED POLICY ISSUES.—

(1) RECOMMENDATIONS.—Not later than two years after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a recommendation with respect to continuing or expanding the pilot programs.

(g) TRANSITION OF PILOT PROGRAM RESPONSIBILITIES.—Beginning in fiscal year 2026, the Secretary may transition the responsibility for the pilot programs to another organization.

SEC. 1282. LIMITATION ON AVAILABILITY OF CERTAIN FUNDING FOR OPERATION AND MAINTENANCE.

Of the amount appropriated by this Act for fiscal year 2022 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 submits to the congressional defense committees the following:

SEC. 1401. WORKING CAPITAL FUNDS.
Funds are hereby authorized to be appropriated for fiscal year 2022 for the use of the Armed Forces and other activities and agencies of the Department of Defense 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 2022 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, as specified in the funding table in section 4501.

SEC. 1403. DRUG INTERDICTIO AND COUNTERDRUG ACTIVITIES, DEFENSE-WIDE.
Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2022 for expenses, not otherwise provided for, for 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 2022 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 2022 for the Defense Health Program for use of the Armed Forces and other activities and agencies of the Department of Defense for health of eligible beneficiaries, as specified in the funding table in section 4501.

SEC. 1411. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.
There is hereby authorized to be appropriated for fiscal year 2022 for the Armed Forces Retirement Home Trust Fund the sum of $75,300,000 for the operation of the Armed Forces Retirement Home.

SEC. 1412. AUTHORIZATION TO LOAN MATERIALS IN THE NATIONAL DEFENSE STOCKPILE.
(a) IN GENERAL.—Section 6 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e) is amended by adding at the end the following new subsection:

"(4) For cooperative biological engagement, there is authorized to be appropriated to the Department of Defense for fiscal year 2022 $137,000,000 may be transferred by the Secretary of Defense to the Joint Department of Defense Cooperative Threat Reduction Act (50 U.S.C. 3711), the Department of the Navy, $137,000,000 may be transferred by the Secretary of Defense to the Joint Department of Defense Cooperative Threat Reduction Act (50 U.S.C. 3711), the Department of the Navy, $137,000,000 may be transferred by the Secretary of Defense to the Joint Department of Defense Cooperative Threat Reduction Act (50 U.S.C. 3711), the Department of the Navy, $137,000,000 may be transferred by the Secretary of Defense to the Joint Department of Defense Cooperative Threat Reduction Act (50 U.S.C. 3711), the Department of the Navy, $137,000,000 may be transferred by the Secretary of Defense to the Joint Department of Defense Cooperative Threat Reduction Act (50 U.S.C. 3711), the Department of the 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SEC. 1505. MODIFICATIONS TO SPACE FORCE ACQUISITION PROJECTS FOR SPACE SYSTEMS AND PROGRAMS.

(a) In General.—Section 9021 of title 10, United States Code, is amended by striking subsection (b) and inserting the following:

"(b) MODIFICATIONS TO SPACE FORCE ACQUISITION PROJECTS FOR SPACE SYSTEMS AND PROGRAMS.—Section 9021(b)(3) of the National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283; 133 Stat. 1566; 10 U.S.C. 9016 note), as amended by section 1007(c), is further amended by striking "Effective and" and inserting "Not later than".

SEC. 1509. EXTENSION AND MODIFICATION OF CERTIFICATIONS REGARDING INTEGRATED TACTICAL WARNING AND ATTACK ASSESSMENT MISSION OF THE AIR FORCE.

Section 1666 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 134 Stat. 1422; 10 U.S.C. 2205; 2206) is further amended—

(1) in the section heading, by striking "THE AIR FORCE" and inserting "THE DEPARTMENT OF THE AIR FORCE";

(2) in subsection (a)—

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

(i) by striking "each year thereafter through 2020" and inserting "each year thereafter through 2026"; and

(ii) by inserting ", in consultation with the Commander of the United States Strategic Command and the Commander of the United States Northern Command," after "the Commander of the United States Space Command";

(B) in paragraph (1)—

(i) by striking "the Air Force is" and inserting "the Department of the Air Force is"; and

(ii) by inserting "and the Space Force" after "to the Air Force";

(C) in paragraph (2), by striking "the Air Force" and inserting "the Department of the Air Force"; and

(D) in paragraph (3), by striking "aspects of the Air Force" and inserting "aspects of the Department of the Air Force";

(b) DUTIES OF ASSISTANT SECRETARY OF THE AIR FORCE FOR SPACE ACQUISITION AND INTEGRATION.—Section 9021(b)(3) of the National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283; 133 Stat. 1566; 10 U.S.C. 9016 note), as amended by section 1007(c), is further amended by striking "Effective and" and inserting "Not later than".

SEC. 1510. PROHIBITION ON MISSILE DEFENSE AGENCY PRODUCTION OF SATELLITES AND OTHER SYSTEMS ASSOCIATED WITH OPERATION OF SUCH SATELLITES.

(a) In General.—The Director of the Missile Defense Agency shall not authorize or obligate funding for a program of record for the production of satellites or ground systems associated with the operation of such satellites.

(b) Exemption for Production of Prototype Satellites.—(1) In General.—The Director of the Missile Defense Agency, with the concurrence of the Space Acquisition Council established by section 9021 of title 10, United States Code, may authorize the production of a prototype satellite, consistent with the requirements of the Missile Defense Agency.
(2) Report.—Not later than 30 days after completing an authorization for the production of a prototype satellite under paragraph (1), the chair of the Space Acquisition Council shall submit to the congressional defense committees a report explaining the reasons for such concurrence.

(3) LIMITATION ON OBLIGATION OF FUNDS.—The Director of the Missile Defense Agency may not obligate funds for the production of such a satellite before the submittal of the report required by paragraph (2).

SEC. 1511. CONTINUATION FOR NATIONAL SECURITY SPACE LAUNCH PROGRAM.

In carrying out Phase 2 of the acquisition strategy for the National Security Space Launch program, the Secretary of the Air Force shall ensure that launch services are procured only if launch services providers use launch vehicles meeting Federal requirements with respect to required payloads to reduce launch orbits.

SEC. 1512. LIMITATION, REPORT, AND BRIEFING ON USE OF COMMERCIAL SATELLITE SERVICES AND ASSOCIATED SYSTEMS.

(a) LIMITATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of Defense may not rely solely on the use of commercial satellite services and associated systems to carry out a critical defense requirement, such as command and control, targeting, and any other requirement necessary to effectively execute defense operations.

(2) MITIGATION MEASURES.—The Secretary may rely solely on the use of commercial satellite services and associated systems to carry out a critical defense requirement described in paragraph (1) if the Secretary has taken measures to mitigate the vulnerability of any such requirement.

(b) REPORT AND BRIEFING.—

(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Secretary shall submit a report and provide a briefing to the congressional defense committees on the extent of the reliance of the Department of Defense on commercial satellite services and associated systems to provide satellite services and associated systems to provide command and control, targeting, and any other requirement necessary to effectively execute defense operations.

(2) ELEMENTS.—Each report and briefing required by paragraph (1) shall include the following:

(A) An assessment of mitigating measures taken by the Secretary under subsection (a)(2).

(b) ELEMENTS.—Each report and briefing required by paragraph (1) shall include the following:

(1) A review of the current posture of such threats and anticipated advances in such threats over the subsequent five-year period.

(2) A description of potential measures to counter such threats.

(3) ANNUAL UPDATES.—Not less frequently than quarterly through fiscal year 2030, the Secretary shall submit a report and provide a briefing to the congressional defense committees on the extent of the reliance of the Department of Defense on commercial satellite services and associated systems to provide command and control, targeting, and any other requirement necessary to effectively execute defense operations.

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

SEC. 1514. SPACE POLICY REVIEW.

(a) IN GENERAL.—In General, the Director of Defense, in consultation with the Director of National Intelligence, shall carry out a review of the space policy of the Department of Defense.

(b) ELEMENTS.—Each report required by subsection (a) shall include the following:

(1) An evaluation of the policy changes and funding necessary to accomplish such objectives during such five-year period.

(2) An assessment of the policy of the Department with respect to normalizing behaviors in space, including the commercial use of space.

(3) An analysis of the extent to which such policy is coordinated with ongoing policy reviews, including nuclear, missile defense, and cyber operations.

(4) A description of the Department’s organization and space doctrine to carry out its space policy.

(5) An analysis of such policy with respect to the Department’s space systems and architectures to implement such space policy.

(6) Any other matter the Secretary considers appropriate.

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary, in consultation with the Director, shall submit to the congressional defense committees a report on the results of the review required by subsection (a).

(2) ANNUAL UPDATES.—Not less frequently than annually for fiscal years 2024 through 2030, and not later than the date of the Secretary’s budget submissions, the Secretary, in consultation with the Director, shall submit to the congressional defense committees a report on the results of the review required by subsection (a).

(3) FORM.—Each report required by this subsection shall be submitted in unclassified form but may include a classified annex.

SEC. 1515. ANNUAL BRIEFING ON THREATS TO SPACE OPERATIONS.

(a) IN GENERAL.—Not later than February 28 each year through 2026, the Chief of Space Operations, in consultation with the Director of National Intelligence, shall brief the appropriate committees of Congress on the threats to United States space operations posed by the Russian Federation, the People’s Republic of China, and any other country relevant to the conduct of such operations.

(b) ELEMENTS.—Each briefing required by subsection (a) shall include the following:

(1) A review of the current posture of such threats and anticipated advances in such threats over the subsequent five-year period.

(2) A description of potential measures to counter such threats.

(3) APPROPRIATE COMMITTEES OF CONGRESS DENOUNCED.—In this section, Appropriate Committees of Congress means—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate;

(B) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

Subtitle B—Defense Intelligence and Intelligence-related Activities

SEC. 1521. AUTHORITY FOR ARMY COUNTERINTELLIGENCE AND CIVILIAN SPECIAL AGENTS TO EXECUTE WARRANTS AND MAKE ARRESTS.

(a) IN GENERAL.—Section 7377 of title 10, United States Code, is amended—

(1) in the section heading, by inserting “and Army Counterintelligence Command” before the colon; and

(2) in subsection (b)—

(A) by striking “any employee of the Department of the Army who is a special agent” and inserting “any employee of the Department of the Army who is—”;

(B) in subparagraph (A), as designated by paragraph (A) of section 113B, 115 of title 18 and similar offenses.

SEC. 1522. ANNUAL BRIEFING BY DIRECTOR OF THE DEFENSE INTELLIGENCE AGENCY ON ELECTRONIC WARFARE THREATS TO OPERATIONS OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Not later than the first March 31 after the date of the enactment of this Act and each March 31 of each year thereafter until March 31, 2026, the Director of the Defense Intelligence Agency

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shall provide the congressional defense committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives briefing on the electronic warfare threat to operations of the Department of Defense by Russia and China as well as other countries relevant to the conduct of such operations.

(b) CONTENTS.—Each briefing provided under subsection (a) shall include a review of the following:

(1) Current electronic warfare capabilities of the armed forces of Russia, the armed forces of China, and the armed forces of such other countries as the Director considers appropriate.

(2) An estimate, for the five-year period beginning after the date of the briefing of the following:

(A) Advances in electronic warfare threats to the operations of the Department from the countries referred to in paragraph (1).

(B) The order of battle for Russia, China, and each other country the Secretary considers appropriate.

Subtitle C—Nuclear Forces

SEC. 1531. PARTICIPATION IN UNITED STATES STRATEGIC COMMAND STRATEGIC DETERRENCE EXERCISES.

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

(1) presidential decisions to consider or authorize use of nuclear weapons are of critical importance, and should be informed by senior officials and staff who are intimately familiar with the likely scenarios in which such use might be contemplated and the associated consultation and communications processes;

(2) in a world in which emerging technologies are rapidly changing the nature of conflicts, scenarios surrounding the use of nuclear weapons have become even more complex, challenging even those most experienced with the intricacies of nuclear employment decision-making processes, and that now, more than ever, effective crisis management requires improved senior leader understanding of the complexities of deterrence, escalation and de-escalation, and the range of options available across all phases of a crisis or conflict;

(3) as part of the concerns described in paragraph (2), section 1669 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 3464; 10 U.S.C. 4669) mandates the Secretary of Defense to enter into contract with a federally funded research and development center to conduct a study on the potential benefits and risks of options to increase the number of nuclear weapons in the stockpile; and

(4) the result of this analysis, completed by the Institute for Defense Analyses, found that—

‘‘(a) TheUNDERLYING SYSTEM TO HAVE THE BEST CHANCE OF GIVING A PRESIDENT ALL THE DECISION TIME THE CIRCUMSTANCES AFFORD, TRUSTED ADVISERS, AND THE GOVERNMENT TO BECOMING SIMILAR WITH NUCLEAR WEAPONS AND OPERATIONS IN THE MIDST OF A CRISIS. CONSEQUENTLY, A RELATIVELY SIMPLE PATH TO MAXIMIZING PRESIDENTIAL DECISIONS ON EXPERIENCING PRINCIPALS FOR A TYPE OF DECISION OR SITUATION THAT WILL BE DIFFERENT THAN ANYTHING THEY HAVE ENCOUNTERED PREVIOUSLY IN THEIR CAREERS.

(5) IN 2020, THE DEFENSE SCIENCE BOARD REACHED A SIMILAR RECOMMENDATION IN ASSESSING THE NATIONAL LEadership COMMAND CAPABILITY TO MAXIMIZE THE EFFECTIVENESS OF STRATEGIC COMMANDERS DURING TESTS AND LEARNING REGIMES THAT IS SUSTAINED AND PROVIDES THE PRINCIPAL SOURCE OF AREAS FOR CONTINUOUS IMPROVEMENT IN CAPABILITY DEVELOPMENT.''

SEC. 1532. MODIFICATION TO REQUIREMENTS RELATING TO NUCLEAR FORCE REDUCTIONS.

(a) PRIOR NOTIFICATION OF REDUCTIONS FOR INSUFFICIENT FUNDING.—Subsection (a)(2)(B) of section 494 of title 10, United States Code, is amended by striking ‘‘60 days’’ and inserting ‘‘120 days’’.

(b) NET ASSESSMENT OF NUCLEAR FORCE LEVELS WITH RESPECT TO CERTAIN PROPOSALS TO REDUCE NUCLEAR WEAPONS STOCKPiles.—Subsection (c) of such section is amended—

(1) in striking ‘‘December 31, 2021’’ each place it appears and inserting ‘‘December 31, 2021’’;

(2) in paragraph (1)—

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

‘‘(B) The Deputy Assistant to the President for National Security Affairs is encouraged to participate in each such exercise;’’;

(B) by redesignating clause (ii) as clause (iii); and

(C) by inserting ‘‘(i) an assessment of whether the proposal, submitted to the congressional defense committees, would not cause the number of nuclear weapons in the United States nuclear weapons stockpile to be fewer than the high-confidence assessment of the intelligence community (as defined in section 312 of title 50, United States Code), shall be fewer than the high-confidence assessment of the intelligence community;’’ before the closing semicolon.

(3) in paragraph (2)—

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

‘‘(B) The Deputy Assistant to the President for National Security Affairs shall submit to the Congress a report on the exercise, which, at a minimum, shall include the following:

(1) A description of the purpose and scope of the exercise.

(2) An identification of the principal personnel participating in the exercise.

(3) A statement of the principal findings resulting from the exercise that specifically relate to the nuclear command, control, and communications or senior leader decision-making process and a description of any deficiencies in that process identified a result of the exercise;’’;

(4) by striking paragraph (2) and inserting—

‘‘(2) An identification of the principal personnel participating in the exercise, which, at a minimum, shall include the following:

(1) A description of the purpose and scope of the exercise.

(2) An identification of the principal personnel participating in the exercise.

(3) A statement of the principal findings resulting from the exercise that specifically relate to the nuclear command, control, and communications or senior leader decision-making process and a description of any deficiencies in that process identified a result of the exercise;’’;

(b) REPORTS REQUIRED.—(1) Not later than 60 days after the completion of an annual strategic deterrence exercise described in subsection (a), the Secretary shall transmit to the congressional defense committees—

‘‘(A) an unredacted copy of the report of the Commander submitted under paragraph (1); and

‘‘(B) any additional recommendations or other matters the Secretary considers appropriate.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 24 of such title is amended by adding at the end the following new section:

‘‘499b. Participation in annual United States Strategic Command strategic deterrence exercises.‘’
(iii) have received national recognition and have significant depth of experience in such professions as governmental service, law enforcement, the Armed Forces, law, public administration, commerce (including aviation matters), or foreign affairs.

(B) POLITICAL PARTY AFFILIATION.—Not more than 6 of the members of the Commission may be appointed from the same political party.

(3) DEADLINE FOR APPOINTMENT.—

(A) IN GENERAL.—All members of the Commission shall be appointed under paragraph (1) not later than 45 days after the date of the enactment of this section.

(B) EFFECT OF LACK OF APPOINTMENTS BY APPOINTMENT DATE.—If one or more appointments under paragraph (1) is not made by the date specified in subparagraph (A), the authority to make such appointment or appointments shall expire; and the number of members of the Commission shall be reduced by the number of appointments not made by that date.

(C) CHAIRPERSON; VICE CHAIRPERSON.—

(A) CHAIRPERSON.—The chairperson of the Committee on Armed Services of the Senate and the House of Representatives shall jointly designate one member of the Commission to serve as chairperson of the Commission.

(B) VICE CHAIRPERSON.—The ranking minority member of the Committees on Armed Services of the Senate and the House of Representatives shall jointly designate one member of the Commission to serve as vice chairperson of the Commission.

(4) ACTIVATION.—

(A) IN GENERAL.—The Commission may begin operations under this section on the date on which not less than 5 of the members of the Commission have been appointed under paragraph (1) and shall meet and begin the operations of the Commission as soon as practicable after the date described in clause (1).

(B) SUBSEQUENT MEETINGS.—After its initial meeting, the Commission shall meet upon the call of the chairperson or a majority of its members.

(5) QUORUM.—Eight members of the Commission shall constitute a quorum.

(6) PERIOD OF APPOINTMENT; VACANCIES.—

(A) IN GENERAL.—The Commission shall be appointed for the period described in section (c)(2)(B) and shall continue to function even after the end of the period described in clause (i) and the end of the period described in (ii).

(B) REMOVAL OF MEMBERS.—

(I) the recommendations required by subsection (c)(2)(B);

(ii) a description of the military capabilities that might support the strategy and other factors that might affect strategic stability;

(C) a description of the nuclear infrastructure that is, the size of the nuclear complex required to support the strategy and the appropriate organizational structure for the nuclear security enterprise;

(D) an assessment of the role of missile defenses in the strategy;

(E) an assessment of the role of cyber defenses in the strategy;

(F) an assessment of the role of space systems in the strategy;

(G) an assessment of the role of nonproliferation programs in the strategy;

(H) an assessment of the role of nuclear arms control in the strategy;

(I) an assessment of the political and military implications of the strategy for the United States and its allies;

(J) any other information or recommendations relating to the strategy (or to the strategic posture) that the Commission considers appropriate.

(3) INTERIM BRIEFING.—Not later than 180 days after the deadline for appointment of members of the Commission specified in subsection (b)(3)(A), the Commission shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the status of the review, assessments, and recommendations required by subsection (c), including a discussion of any interim recommendations.

(e) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission may secure directly from the Department of Defense, the National Nuclear Security Administration, the Department of State, or the Office of the Director of National Intelligence, information, suggestions, estimates, and statistics for the purposes of this section. Each of such agency shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics to the Commission upon receiving a request made by—

(A) the chairperson of the Commission;
(B) the chairperson of any subcommittee of the Commission created by a majority of members of the Commission; or
(C) any member of the Commission designated by a majority of the Commission for purposes of making requests under this paragraph.
(2) RUCPT, HANDLING, STORAGE, AND DISSEMINATION.—The Commission shall provide to the Commission such information, suggestions, estimates, and statistics provided under this section with all applicable statutes, regulations, and Executive orders.

(d) Federal Agencies.—In addition to information, suggestions, estimates, and statistics provided under subsection (a), the Commission, when requested, shall provide to the Commission such services, funds, facilities, staff, and other support services as those departments and agencies may determine advisable and as may be authorized by law.

(g) Compensation and Travel Expenses.—(1) STATUS AS FEDERAL EMPLOYEES.—Notwithstanding the requirements of section 2106 of title 5, United States Code, including the requirements relating to supervision under subsection (a)(3) of such section, the members of the Commission shall be deemed to be Federal employees.

(2) COMPENSATION.—Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(f) Travel Expenses.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 2671 of title 5, United States Code.

(h) Staff.—(1) EXECUTIVE DIRECTOR.—The Commission shall appoint and fix the rate of basic pay for an Executive Director in accordance with section 5315 of title 5, United States Code.

(2) PAY.—The Executive Director appointed under paragraph (1) shall be a member of the Commission, appoint and fix the rate of basic pay for personal and administrative support for the activities of the Commission.

(m) Commission Support.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall seek to enter into a contract with a federally funded research center to provide appropriate staff and administrative support for the activities of the Commission.

(b) EXPEDITION OF SECURITY CLEARANCES.—The Office of the Secretary of Defense and the Office of the House of Representatives shall ensure that the appropriate security clearances are provided to the Commission. The Commission shall comply with rules set forth by the Select Committee on Ethics of the Senate and the House of Representatives governing employees of the Senate and the House of Representatives, respectively.

(1) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(l) Postal Services.—(1) The Commission shall operate as a legislative branch office and shall not be subject to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.) or section 552b, United States Code (commonly known as the “Government in the Sunshine Act”).

(p) Funding.—Of the amounts authorized to be appropriated by this Act for fiscal years 2022 for the Department of Defense, up to $7,000,000 shall be made available to the Commission to carry out its duties under this section.

(q) EXPEDITION OF SECURITY CLEARANCES.—Not later than 90 days after the Commission submits the final report required by subsection (d), the Commission shall ensure that the Commission under the preceding sentence shall remain available until expended.

(h) Legislative Oversight Committee.—(1) IN GENERAL.—The Commission, and all authorities under this section, shall terminate on the date that is 90 days after the Commission submits the final report required by subsection (d).

(2) ADMINISTRATIVE ACTIONS BEFORE TERMINATION.—The Commission may use the 90-day period described in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress with respect to and disseminating the report required by subsection (d).

SEC. 1537. REVISED NUCLEAR POSTURE REVIEW.

(a) REQUIREMENT FOR COMPREHENSIVE REVIEW.—In order to clarify United States nuclear deterrence policy and strategy for the near term, the Secretary of Defense, acting through the Under Secretary of Defense for Policy and the Vice Chairman of the Joint Chiefs of Staff, shall conduct a comprehensive review of the nuclear posture of the United States for the next 5 to 10 years. The Secretary shall conduct the review in consultation with the Secretary of Energy, the Secretary of State, and the Director of National Intelligence.

(b) ELEMENTS OF REVIEW.—The nuclear posture review shall include the following elements:

(1) An assessment of the current and projected nuclear capabilities of the Russian Federation and the People’s Republic of China, and such other potential threats as the Secretary considers appropriate to include;

(2) The role of nuclear forces in United States military strategy, planning, and programming;

(3) The policy requirements and objectives for United States nuclear forces that are safe, reliable, and credible nuclear deterrence posture;

(4) The relationship among United States nuclear deterrence policy, targeting strategy, and arms control objectives;

(5) The role that missile defenses, conventional strike forces, and other capabilities play in determining the role and size of nuclear forces;

(6) The levels and composition of the nuclear delivery systems that will be required for maintaining the United States national and military strategy, including ongoing plans for replacing existing systems;

(7) The nuclear weapons complex that will be involved in maintaining the United States national and military strategy, including ongoing plans to modernize the complex;

(8) The active and inactive nuclear weapons stockpile that will be required for implementing the United States national and military strategy, including ongoing plans for stockpiling or modifying warheads.

(c) REPORT TO CONGRESS.—(1) The Secretary of Defense shall submit to Congress, in unclassified form and classified forms as necessary, a report on the results of the nuclear posture review conducted under this section. The report shall be submitted concurrently with the integrated national defense strategy required to be submitted under section 113(g) of title 10, United States Code, in 2022.

SEC. 1538. GROUND-BASED STRATEGIC DETERRENT DEVELOPMENT PROGRAM ACOUNTABILITY MATRICES.

(a) IN GENERAL.—(1) Concurrently with the submission to Congress of the budget of the President for fiscal year 2023 and each fiscal year thereafter pursuant to section 1105(a) of title 31, United States Code, the Secretary of the Air Force shall submit to the congressional defense committees and the Comptroller General of the United States the matrices described in subsection (b) relating to the ground-based strategic deterrent weapon system.

(b) MATRICES DESCRIBED.—The matrices described in this subsection are the following:

(1) ENGINEERING AND MANUFACTURING DEVELOPMENT GOALS.—A matrix that identifies, in six-month increments, key milestones, development events, and specific performance goals for the engineering and manufacturing development phase of the ground-based strategic deterrent weapon system, which shall be subdivided, at a minimum, according to the following:

(A) Technology maturity, including technology readiness levels of major components and key demonstrations leading to technology readiness level 7 full maturity.

(B) Design maturity for the missile, weapon system command and control, and ground systems.

(C) Software maturity, including key events and metrics.

(2) MANUFACTURING Maturity, including manufacturing readiness levels for critical manufacturing operations and key demonstration events.

(3) The schedule with respect to the following:

(A) Ground-based strategic deterrent weapon system level critical path events and margins.

(B) Separate individual critical path events and margins for each of the following major events:
(I) First flight.

(II) First functional test.

(III) Weapon system qualification.

(IV) Combined certifications.

(V) Initial operational capability.

(VI) Initial operational capability.

(VII) Wing A completion.

(F) Personnel, including planned and actual program office staff, contractor and supporting organizations, including for testing, nuclear certification, and civil engineering by the Air Force.

(G) Form, including growth plans and key milestones.

(2) Cost.—

(A) In General.—The following matrices relating to the ground-based strategic deterrent weapon system:

(i) A matrix expressing, in six-month increments, the total cost for the engineering and manufacturing development phase and low rate initial production lots of the ground-based strategic deterrent weapon system.

(ii) A matrix expressing the total cost for the prime contractor’s estimate for the engineering and manufacturing development phase and production lots.

(B) Phasing and subdivision of matrices described in clauses (i) and (ii) of subparagraph (A) shall be—

(i) phased over the entire engineering and manufacturing development period; and

(ii) aligned to the costs of the primary subsystems in the ground-based strategic deterrent weapon system work breakdown structural elements.

(c) Semi-Annual Updates of Matrices.—Not later than 180 days after the date on which the Secretary submits the matrices described in subparagraph (b) for a year as required by subsection (a), the Secretary shall submit to the congressional defense committees and the Comptroller General updates to the matrices.

(d) Treatment of the First Matrices as Baseline.—

(I) In General.—The first set of matrices submitted under subsection (a) shall be treated as the baseline for the full engineering and manufacturing development phase and low rate initial production of the ground-based strategic deterrent weapon system program for purposes of updates submitted under subsection (c) and subsequent matrices submitted under subsection (a).

(II) Definition of First Matrices.—For purposes of this section, the first set of matrices required by subsection (a), each update submitted under subsection (c) and each subsequent set of matrices submitted under subsection (a) shall—

(A) clearly identify changes in key milestones, development events, and specific performance goals identified in the first set of matrices; and

(B) provide updated cost estimates.

(e) Assessment by Comptroller General or the Secretary of the Air Force.—Not later than 60 days after receiving the matrices described in subsection (b) for a year as required by subsection (a), the Comptroller General shall assess acquisition progress made with respect to the ground-based strategic deterrent weapon system and brief the congressional defense committees on the results of that assessment.

(f) Termination.—The requirements of this section shall terminate on the date that is one year after the ground-based strategic deterrent weapon system achieves initial operational capability.

SEC. 1539. PROCUREMENT AUTHORITY FOR CERTAINED PARTS OF GROUND-BASED STRATEGIC DETERRENT CRYPTOGRAPHIC DEVICE.

(a) In General.—The Secretary of the Air Force may, as specified in the funding table in section 1402 of title 10, United States Code, procure for the Air Force, as specified in the funding table in section 1403 of title 10, United States Code, of the amount authorized to be appropriated by this Act for fiscal year 2022 by section 1005 of title 10, United States Code, for the purchase of covered parts pursuant to contracts entered into under subsection (a).

(b) Covered Parts Defined.—In this section, the term “covered parts” means commercially available off-the-shelf items as defined in section 104 of title 41, United States Code.

SEC. 1540. MISSION-DESIGN SERIES POPULAR NAME FOR GROUND-BASED STRATEGIC DETERRENT.

(a) Requirement.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Air Force, in coordination with the Under Secretary of Defense for Acquisition and Sustainment, shall establish a mission-design series popular name for the ground-based strategic deterrent, consistent with the procedures set forth in Department of Defense Directive 4120.15 (relating to designating and naming military aerospace vehicles).

(b) Notification.—Not later than 10 days after completing the requirement under subsection (a), the Secretary of the Air Force shall notify the congressional defense committees of the completion of the requirement.

SEC. 1541. B-21 RAIDERS NUCLEAR CAPABILITY AND INTEGRATION WITH LONG-RANGE STANDOFF WEAPON.

Not later than two years after declaration of initial operational capability for the long-range standoff weapon, the Secretary of the Air Force shall ensure that—

(1) all integration activities with the B-21 Raider are completed; and

(2) the B-21 Raider will be operationally capable of employing the long-range standoff weapon across all required mission scenarios.

SEC. 1542. COMPTROLLER GENERAL STUDY AND UPDATED REPORT ON NUCLEAR WEAPONS CAPABILITIES AND FORCE STRUCTURE REQUIREMENTS.

(a) Comptroller General Study Required.—The Comptroller General of the United States shall conduct a study on the strategic nuclear weapons capabilities, force structure, employment policy, and targeting requirements of the Department of Defense.

(b) Matters Covered.—The study conducted under subsection (a) shall, at minimum, consist of the report of the Comptroller General entitled “Strategic Weapons: Changes in the Nuclear Weapons Targeting Process Since 1991” (GAO-12-786R) and dated July 31, 2012, including covering any changes to—

(1) how the Department of Defense has assessed threats and modified its nuclear deterrence policy;

(2) targeting and employment guidance from the President, the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the Commander of United States Strategic Command;

(3) nuclear weapons planning and targeting, including categories and types of targets;

(4) strategic nuclear forces, including the stockpile, force posture, and modernization;

(5) the level of civilian oversight;

(6) the relationship between targeting and requirements; and

(7) any other matters considered appropriate by the Comptroller General.

(b) Report Required.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a final report on the preliminary findings of the study conducted under subsection (a).

(c) Certification.—The Comptroller General shall submit to the congressional defense committees a final report on the findings of the study conducted under subsection (a) at a time agreed to by the Comptroller General and the congressional defense committees at the briefing required by paragraph (i).

(d) Form.—The briefing required by paragraph (1) may be provided, and the report required by paragraph (2) may be submitted, in classified form.

SEC. 1543. 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 2022 for the Department of Defense may be obligated or expended for the following, and the Department may 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 the following activities:

(1) The maintenance, sustainment, or replacement of intercontinental ballistic missiles.

(2) Ensuring the safety, security, or reliability of intercontinental ballistic missiles.

SEC. 1544. LIMITATION ON USE OF FUNDS UNTIL COMPLETION OF ANALYSIS OF ALTERNATIVES FOR NUCLEAR SEA-LAUNCHED CRUISE MISSILE.

(a) In General.—Not more than 90 percent of funds authorized to be appropriated by this Act for fiscal year 2022 to the Office of the Under Secretary of Defense for Policy, for the purposes of operating the Office of the Under Secretary of Defense for Policy, Plans, and Capabilities, may be obligated or expended until the Under Secretary provides a briefing to the congressional defense committees on—

(1) the results of the analysis of alternatives for the nuclear sea-launched cruise missile; and

(2) the analysis of the Director of Cost Assessment and Program Evaluation of the adequacy of that analysis of alternatives, conducted pursuant to section 139a(d)(4) of title 10, United States Code.

(b) Report Required.—Not later than April 1, 2022, the Chairman of the Nuclear Weapons Council, in coordination with the Secretary of the Navy and the Administrator for Nuclear Security, shall provide a briefing to the congressional defense committees on the planned management structure for the nuclear missile and warhead development program.

SEC. 1545. SENSE OF THE SENATE ON NUCLEAR SECURITY AND NUCLEAR COOPERATION BETWEEN THE UNITED STATES AND THE UNITED KINGDOM.

It is the sense of the Senate that—

(1) nuclear deterrence, and the independent strategic nuclear deterrents of the United Kingdom and
the French Republic, are the supreme guar-
antee of the security of the North Atlantic Treaty Organization (commonly referred to as “NATO”) and continue to underwrite peace and security for all members of the NATO alliance;
(2) the security of the NATO alliance also relies upon nuclear sharing arrangements
that are fully consistent with the objectives of the Treaty on the Non-Proliferation of Nu-
clear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force
December 21, 1970, as commonly referred to as the “Nuclear Non-Proliferation Treaty”;
(3) such arrangements provide for the for-
ward deployment of United States nuclear weapons in Europe, along with the support-
ning capabilities, infrastructure, and dual-capable aircraft dedicated to the deliv-
ery of nuclear weapons, pro-
vided by European NATO allies;
(4) in parallel to the independent commit-
ments of the United States and the United Kingdom to the enduring security of NATO,
the nuclear programs of the United States and the United Kingdom have enjoyed signif-
icant collaborative benefits as a result of the Nuclear Cooperation Framework in the
Agreement for Cooperation on the Uses of Atomic Energy for Mutual Defense Pur-
poses, signed at Washington July 5, 1958, and entered into force January 4, 1959, between the United States and the United Kingdom (commonly referred to as the “Mutual De-
fense Agreement”);
(5) the unique partnership between the United States and the United Kingdom has enhanced sovereign military and scientific capabilities, strengthened bilateral ties, and resulted in the sharing of costs;
(6) as the international security environment deteriorates and potential adversaries expand their nuclear forces, the extended deterrence commitments of the United Kingdom play an increasingly impor-
tant role in supporting the security interests of the United States and allies of the United States and the United Kingdom;
(7) additionally, the extension of the nu-
clear deterrence commitments of the United Kingdom to members of the NATO alliance strengthens collective security while reduc-
ing the burden placed on United States nu-
clear forces to deter potential adversaries and assure United States allies;
(8) it is in the national security interest of the United States to support the United Kingdom’s decision to the Defense Sub-Committee of the Government of the United Kingdom entitled, “Global Britain in a Competitive Age: The Integrated Review of Security, Defence, Development and Foreign Policy’’;
(9) as the United States continues to mod-
ernize its aging nuclear forces to ensure its ability to continue to field a nuclear deter-
rent that is safe, secure, and effective, the United Kingdom faces a similar challenge;
(10) bilateral cooperation on such programs as the Trident II D5 weapons system, the common missile compartment for the future
Dreadnought and Columbia classes of sub-
marines, and the parallel development of the W88/Mk7 warhead of the United States and the re-entry vehicles of the United King-
dom, will allow the United States and the United Kingdom to responsibly address chal-
lenes within their legacy nuclear forces in a cost-effective manner that—
(A) meets national requirements and pre-
serves independent, sovereign control;
(B) is consistent with each country’s obli-
gations under the Nuclear Non-Proliferation Treaty; and
(C) supports nonproliferation objectives; and
(11) continued cooperation between the nu-
clear programs of United States and the United Kingdom is essential to ensuring that the United States and the United Kingdom’s future nuclear force would be supported by credible nuclear forces capable of pre-
serving peace, preventing coercion, and de-
terring aggression.
SEC. 1545. SENSE OF THE SENATE ON MAINTAIN-
ING DIVERSITY IN THE NUCLEAR WEAPONS STOCKPILE.
(a) SENSE OF THE SENATE.—It is the sense of the Senate that—
(1) in order to ensure adequate confidence in the functionality of the United States nu-
clear forces, the National Nuclear Nu-
clear Security Administration must main-
tain sufficient diversity in the designs and types of nuclear weapons it makes available to the Department of Defense;
(2) the Department of Defense should lever-
gage that diversity to field a force with an ap-
propriate mix of capabilities and techno-
lological distinctiveness to ensure that the United States nuclear deterrent remains cap-
able of meeting military requirements, even during the period of technical ambiguity that renders one particular type of nu-
clear weapon temporarily or permanently unsuitable for deployment; and
(3) according to national secu-
riety interest of the United States to main-
tain no fewer than two distinct types of de-
ployed nuclear weapons per leg of the nu-
clear triad (in order to ensure that no poten-
tial adversary, nor United States ally, doubts the continuing effectiveness of the United States nuclear deterrent.
(b) DEFINITIONS.—In this section:
(1) TYPES OF NUCLEAR WEAPONS.—The term “types”, with respect to nuclear weapons, means a unique configuration of nuclear ex-
plosive packages contained within a warhead or gravity bomb assembly.
(2) NUCLEAR TRIAD.—The term “nuclear triad” means the combination of platforms and delivery systems that comprise the stra-
tegic nuclear forces of the United States, or-
ganized by domain (known as a “leg”), and consists of the following:
(A) For the land leg, the LGM-30 Minuteman III intercontinental ballistic missiles, any associated reentry vehicles, and the planned replacement systems for such missiles and vehicles;
(B) For the sea leg, Ohio class fleet bal-
listic missile submarines, UGM-133 Trident II submarine-launched ballistic missiles, any associated reentry vehicles, and the planned replacement systems for such submarines, missiles, and vehicles;
(C) For the air leg, B-52 Stratofortress long-range heavy bombers, B-2A Spirit stealth bombers, AGM-86B air-launched cruise missiles, and the planned replacement systems for such bombers and missiles.
SEC. 1547. SENSE OF THE SENATE ON GROUND-
BASED STRATEGIC DETERRENCE.
(a) FINDINGS.—Congress makes the fol-
lowing findings:
(1) The Minuteman III intercontinental ballistic missile in service as of the date of the enactment of this Act was first deployed in 1965 and is the operational nuclear deterrent of the United States.
(2) The Minuteman III force will begin ex-
periencing attrition and age-related compo-
nent degradation, resulting in the number of available Minuteman III missiles falling below military requirement levels in the late 2020s.
(3) In a 2014 analysis of alternatives, the Air Force determined that replacing the Min-
uteman III missile would provide necessary capabilities at lower cost when compared with extending the service life of the Min-
uteman III missile.
(4) The Director of Cost Assessment and Program Evaluation of the Department of Defense reviewed the Air Force’s 2014 analysis of alternatives, stating, “We recommend moving expeditiously to a Milestone A decision to ensure the timely delivery of a new warhead to the Minuteman III missile. In the interest of safety and security, prompt action would demonstrate Air Force and DOD commitment to the fol-
lowing: the nuclear mission to the Airmen and Senators in the field; our nation’s nu-
clear umbrella deterrent coverage; the American public who has been following re-
cent news reports; and the world at large.”
(5) In February, 2015, President Barack Obama’s budget requested $75,166,000 for a new program of record to develop a replace-
ment for the Minuteman III intercontinental ballistic missile, named the ground-based strategic deterrent.
(b) SENSE OF THE SENATE.—It is the sense of the Senate that—
(1) intercontinental ballistic missiles are a critical component of the United States nu-
clear deterrent, providing the ability to hedge between legs of the nuclear triad in

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the case of a component-wide failure in another leg;
(2) the continued development of the ground-based strategic deterrent system, and its eventual replacement by the Minuteman III intercontinental ballistic missile, is needed to maintain an effective intercontinental ballistic missile capability into the future;
(3) ensuring modern equipment and the United States nuclear deterrent through modernization programs such as the ground-based strategic deterrent may also increase opportunities for effective arms control in the future by enhancing the confidence of the United States in the sustainability and effectiveness of each leg of the triad, once replaced with modern systems;
(4) it is in the national security interests of the United States that the Department of Defense prioritize an effective and cost-efficient execution of the ground-based strategic deterrent program before the retirement of the Minuteman III intercontinental ballistic missile in the mid-2030s.

Subtitle D—Missile Defense Programs

SEC. 1551. AUTHORITY TO DEVELOP AND DEPLOY NEXT GENERATION INTERCEPTOR FOR MISSILE DEFENSE OF THE UNITED STATES HOMELAND.

(a) AUTHORITY.—Subject to the availability of appropriations, the Director of the Missile Defense Agency may develop a highly reliable, cost-effective, and volume-kill capabilities for the Ground-based Midcourse Defense system using sound acquisition practices, as outlined in the Government Accountability Office report, Observations on Ground-based Midcourse Defense Acquisition Challenges and Potential Contract Strategy Changes’ (GAO-21-15SR), including—

(1) employing the use of high technology readiness level components and software across the system to reduce program risk;
(2) conducting critical parts testing of the Next Generation Interceptor prior to preliminary design review in order to maximize reliability, producibility, and manufacturability;
(3) commencing rigorous flight testing of the Next Generation Interceptor when essential components reach a technology readiness level of seven or higher;
(4) completing at least two successful intercept flight tests before starting the first lot of production of the Next Generation Interceptor; and
(5) the maximum extent practicable, promoting industrial base competition via the use of multiple vendors through the Next Generation Interceptor program’s critical design phase to maximize government return on investment.

(b) PLAN.—If the Director exercises the authority provided by subsection (a), the Director shall develop a funding plan that includes funding lines across the future years defense program for the Next Generation Interceptor that—

(1) provides and begins deployment of the Next Generation Interceptor as early as practicable after the date on which the Director completes carrying out the acquisition practices described in subsection (a);
(2) includes acquiring at least 20 operational Next Generation Interceptors to fill silos currently empty in the ground-based interceptor inventory; and
(3) includes transition plans to replace the current inventory of silo-based boosters with follow-on systems prior to the end of their useful life.

(c) 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 2023 (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 Next Generation Interceptor program to exercise the authority provided by subsection (a).

(d) CONGRESSIONAL NOTIFICATION OF CANCELLATION REQUIREMENT.—

(1) IN GENERAL.—Not later than 30 days prior to the President approving the Next Generation Interceptor program, the Director shall brief the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives of such decision.

(2) ELEMENTS.—A briefing under paragraph (1) shall include the following:

(A) justification for the cancellation decision.

(B) An analysis of the national security risk being accepted due to the cancellation decision.

(3) The Secretary of Defense shall develop a funding plan that includes acquiring at least 20 operational Next Generation Interceptors to fill silos currently empty in the ground-based interceptor inventory; and

(4) Designing, including key events and metrics, at the interceptor all up round level and subsystem level for the ground system.

SEC. 1552. ANNUAL RELIABILITY TESTING FOR THE NEXT GENERATION INTERCEPTOR.

(a) ANNUAL FLIGHT TESTS REQUIRED.—The Director of the Missile Defense Agency shall—

(1) ensure that the Next Generation Interceptor program establishes a process for conducting annual flight tests to evaluate the reliability of the system after the system reaches initial operational capability; and

(2) ensure that such annual reliability testing begins not more than five years after declaration of initial operational capability for the Next Generation Interceptor program.

(b) REPORT.—Not later than the date of approval for the Next Generation Interceptor program to enter the production phase of its acquisition process, the Director of the Missile Defense Agency shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report outlining estimated annual costs for conducting annual, operationally relevant flight testing to evaluate the reliability of the system developed under such program, including associated production costs for procuring sufficient flight systems to support such testing for the project life of the system.

(c) WAIVER.—

(1) IN GENERAL.—The Secretary of Defense may, on an annual basis, waive the testing requirement in subsection (a), if the Secretary determines that the conduct of such a test in a given year will have an unacceptably adverse effect on the operational readiness of the Ballistic Missile Defense System.

(2) NOTICE.—If, pursuant to paragraph (1), the Secretary waives the requirement in subsection (a), the Secretary shall—

(A) notify the congressional defense committees and the Comptroller General of the United States, the Director of the Defense Intelligence Agency; and

(B) submit a report to the congressional defense committees and the Comptroller General of the United States, the Secretary of Defense, the Director of the Defense Intelligence Agency; and

(i) coordinating, updating, and obtaining independent reviews for the Next Generation Interceptor weapon system, which shall be developed by development phase and subdivided according to the following:

(A) Performance requirements, including—

(i) coordinating, updating, and obtaining approval of the top-level requirements document; and

(ii) coordinating performance metrics and work breakdown structure.

(B) Intelligence inputs, processes, and products, including—

(i) coordinating, updating, and validating the homeland ballistic missile defense validated online lifecycle threat with the Director of the Intelligence Community; and

(ii) coordinating and obtaining approval of a lifecycle mission profile.

(C) Independent assessments, including obtaining an initial and updated—

(i) independent technical risk assessment; and

(ii) independent cost and schedule assessment.

(D) Models and simulations, including—

(1) TECHNOLOGY AND PRODUCT DEVELOPMENT ACCOUNTABILITY MATRICES.—

(i) performance goals and metrics, in six-month increments, key milestones, development events, and specific performance goals
(i) obtaining accreditation of interceptor models and simulations at both the full up level and subsystem level from the Ballistic Missile Defense Operational Test Agency; and
(ii) obtaining certification of threat models used for interceptor ground test from the Ballistic Missile Defense Operational Test Agency.
(iii) obtaining accreditation from the Director of the Defense Intelligence Agency on all threat models, simulations, and associated data used to support interceptor development.
(C) Capability transfer, including establishment of a hybrid program office, lead military department designation, and transfer agreement.
(D) Sustainability and obsolescence, including coordinating and obtaining approval of a lifecycle sustainment plan.
(G) Cybersecurity, including coordinating and obtaining approval of a cybersecurity strategy.
(e) and (f).—The matrices submitted under subsection (b) shall be in unclassified form, but may contain a classified annex.
(d) Semiannual Updates of Matrices.—Not later than 180 days after the date on which the matrices described in subsection (b) for a year as required by subsection (a), the Director shall submit to the congressional defense committees and the Comptroller General updates to the matrices.
(e) Treatment of the First Matrices as Baseline.—
(I) In General.—The first set of matrices submitted under subsection (a) shall be treated as the baseline for the full technology development, product development, and initial production phases of the Next Generation Interceptor weapon system program for purposes of updates submitted under subsection (d) and subsequent matrices submitted under subsection (a).
(II) Treatment of First Matrices as Baseline.—
(A) Clearly Identify Changes in Key Milestones, Development Events, and Specific Performance in the First Set of Matrices Under Subsection (b)(1).
(B) Provide Updated Cost Estimates Under Subsection (b)(2); and
(C) Provide Updated Plans and Status Under Subsection (b)(3).
(f) Assessment by Comptroller General of the United States.—Not later than 60 days after receiving the matrices described in subsection (b) for a year as required by subsection (a), the Comptroller General shall assess the acquisition program made with respect to the Next Generation Interceptor weapon system and brief the congressional defense committees on the results of that assessment.
(g) Termination.—The requirements of this section on the date that is one year after the Next Generation Interceptor weapon system achieves initial production.

SEC. 1555. EXTENSION OF PERIOD FOR TRANSITION OF BALLISTIC MISSILE DEFENSE PROGRAMS TO MILITARY DEPARTMENTS.

Section 1676(b)(1) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2431 note) is amended by striking “the date on which the budget of the President for fiscal year 2021 is submitted under section 1805 of title 51, United States Code,” and inserting, “October 1, 2023.”
(2) The Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1556. SEMIANNUAL UPDATES ON MEETINGS HELD BY THE MISSILE DEFENSE EXECUTIVE BOARD.

(a) SEMIANNUAL UPDATES.—Not later than March 1 and September 1 of each calendar year, the Secretary of Defense shall seek to enter into an agreement with the executive board, referred to as the "Academy") for the Academy, to perform the services covered by this subsection on—

(1) the dates on which the Board met; and

(2) except as provided by subsection (b), a summary of any decisions made by the Board at each meeting of the Board and the rationale for and options that informed such decisions.

(b) EXCEPTION FOR CERTAIN BUDGETARY MATTERS.—The co-chairmen shall not be required to include in a semiannual update under subparagraph (a) any matters described in paragraph (2) of such section with respect to decisions of the Board relating to the budget of the President for a fiscal year if the budget of the President for such fiscal year has not been submitted to Congress under section 1105 of title 31, United States Code, as of the date of the semiannual update.

(c) FORM OF UPDATE.—The co-chairmen may provide a semiannual update under subsection (a) either in the form of a briefing or a written report.

SEC. 1557. INDEPENDENT STUDY OF DEPARTMENT OF DEFENSE COMPONENTS’ RESPONSIBILITIES RELATING TO MISSILE DEFENSE.

(a) INDEPENDENT STUDY AND REPORT.—

(1) CONTRACT.—Not later than 30 days after the date the Act is enacted, the Secretary of Defense shall solicit proposals and, after a competitive process, enter into a contract with the National Academy of Public Administration (in this section referred to as the "Academy") for the Academy to perform the services covered by this subsection.

(2) STUDY AND REPORT.—(A) Under an agreement between the Secretary and the Academy under this subsection, the Academy shall carry out a study regarding the roles and responsibilities of the various components of the Department of Defense as they pertain to missile defense.

(B) The study required by subparagraph (A) shall include the following:

(i) A comprehensive assessment and analysis of existing Department component roles and responsibilities for the full range of missile defense activities, including establishment of requirements, research and development, system acquisition, and operations.

(ii) Identification of gaps in component capability that may necessitate reconfigurations of unnecessary duplication, reducing waste, and improving efficiency across the full range of missile defense activities.

(iii) Identification of opportunities for defensive military strategies, eliminating the need for defensive military strategies, eliminating the need for unnecessary duplication, reducing waste, and improving efficiency across the full range of missile defense activities.

(iv) Development of milestones to enable the implementation of the opportunities identified under clause (iii).

(v) Development of recommendations for such administrative actions as the Secretary determines appropriate.

(C) The Academy shall request proposals and, after a competitive process, enter into a contract, referred to as the "Academy") for the Academy, to perform the services covered by this Act, the Academy shall submit to the Secretary and the congressional defense committees a semiannual update including, with respect to the six-month period preceding the update—

(1) the dates on which the Board met; and

(2) except as provided by subsection (b), a summary of any decisions made by the Board at each meeting of the Board and the rationale for and options that informed such decisions.

(2) develop processes or operating procedures governing the ingest, structuring, and utilization of data associated with the Department of Defense Information Network.

(c) MUTUAL UNDERSTANDING.—The Secretary of Defense, acting through the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, the Chief of Space Operations, the Deputy Secretary of Defense, and the Chief Information Officer of the Department of Defense shall—

(1) develop a workforce development plan that covers accessions, training, and education; and

(2) consider such other elements as the Secretary of Defense determines necessary to effectively meet cyber personnel requirements.

(2) knowledge, skills, and abilities; and

(3) nonacademic professional development.

SEC. 1602. CYBER DATA MANAGEMENT.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall promulgate regulations to achieve future data management and utilization practices that are consistent with best practices in the private sector, including—

(1) accessions and recruits to the military cyber community;

(2) processes and procedures governing the collection, structuring, and utilization of cybersecurity data.

(b) the educational institutions described in section 2158b of title 10, United States Code; and

(3) cyberspace military and civilian personnel; and

(4) potential future educational institutions that the Secretary, in consultation with the Secretaries of Homeland Security and Education, determines is necessary to effectively meet cyber personnel requirements.
platform instances, relevant Cyber Operations Force systems, relevant United States Cyber Command commercial cloud enclaves, and other Department of Defense data lakes containing information pertinent to United States Cyber Command missions; and

(3) develop a strategy for piloting efforts, development of operational workflows and tactics, techniques, and procedures for the operational use of mission data by the Cyber Operations Force.

(b) RULES AND RESPONSIBILITIES.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense, acting through the Principal Cyber Advisor to the Secretary, the Commander of United States Cyber Command, and the Secretaries of the military departments, shall establish the specific roles and responsibilities of the following in implementing each of the tasks required by section 1602—

(1) The United States Cyber Command.

(2) Program offices responsible for the components of the Joint Cyber Warfighting Architecture.

(3) The military services.

(4) The Department of Defense Chief Information Officer and the Department of the Army.

(5) Any other program office, headquarters element, or operational component newly instantiated or deemed relevant by the Secretary of Defense.

(c) BRIEFING.—Not later than 300 days after the date of the enactment of this Act, the Secretary shall provide to the congressional defense committees a briefing on the roles and responsibilities established under subsection (b).

(d) IMPLEMENTATION PLAN.—

(1) IN GENERAL.—Not later than the earlier of the date on which the implementation plan required by subsection (c) is completed and the date that is 90 days after the date of the enactment of this Act, the Secretary of Defense shall provide the congressional defense committees a briefing on the implementation plan.

(2) EFFICIENT AND EFFECTIVE.—The briefing required by paragraph (1) shall be followed by a recommendation for when and how the Secretary of Defense considers appropriate to improve and facilitate the planning activities conducted under subsection (a).

SEC. 1603. ASSIGNMENT OF CERTAIN BUDGET CONTROL RESPONSIBILITIES TO COMMANDER OF UNITED STATES CYBER COMMAND.

(a) ASSIGNMENT OF RESPONSIBILITIES.—

(1) IN GENERAL.—The Commander of United States Cyber Command shall, subject to the authority, direction, and control of the Principal Cyber Advisor to the Secretary of Defense, be responsible for directly controlling authority, direction, and control of the Principal Cyber Advisor, the Under Secretary of Defense for Acquisition and Sustainment, Cost Assessment and Program Evaluation, and the Secretaries of the military departments, shall jointly develop an implementation plan for the transition of responsibilities assigned by subsection (a)(1). (2) ELEMENTS.—The implementation plan developed under paragraph (1) shall include the following:

(A) A secretary review to identify appropriate resources for transfer to the Commander of United States Cyber Command for carrying out responsibilities assigned by subsection (a)(1). (B) Definition of appropriate roles and responsibilities.

(C) Specification of all program elements and subelements, and the training, equipment, Joint Cyber Warfighting Architecture capabilities, other enabling capabilities and infrastructure, intelligence support, operational and support investments in each program element and subelement, and the training, equipment, Joint Cyber Warfighting Architecture capabilities, other enabling capabilities and infrastructure, intelligence support, operational and support investments in each program element and subelement, relevant to or that support the Cyber Mission Force for which the Secretary of the military department is responsible.

(D) Specification of all program elements and subelements, and the training, equipment, Joint Cyber Warfighting Architecture capabilities, other enabling capabilities and infrastructure, intelligence support, operational and support investments in each program element and subelement relevant to or that support the Cyber Mission Force for which the Secretary of the military department is responsible.

(E) Required levels of civilian and military staffing within the United States Cyber Command for planning, programming, budgeting, and execution of the resources for fiscal year 2024 and each fiscal year thereafter.

(2) EFFECTIVE DATE AND APPLICABILITY.—

Paragraph (1) shall take effect on January 1, 2022, and shall apply with respect to planning, programming, budgeting, and execution of resources for fiscal year 2024 and each fiscal year thereafter.

(b) ELEMENTS.—

(1) IN GENERAL.—The responsibilities assigned to the Commander by subsection (a)(1) shall include the following:

(A) Preparation of a program objective memorandum and a budget estimate submission for the resources required to train, equip, operate, and sustain the Cyber Mission Forces.

(B) Preparation of budget materials pertaining to the Joint Cyber Warfighting Architecture for inclusion in the budget justification materials that are submitted to Congress in support of the Department of Defense budget for a fiscal year as submitted with the budget of the President for a fiscal year under section 110(a) of title 31 United States Code (that is separate from any other military service or component of the Department of Defense).

(C) RESPONSIBILITIES NOT DELEGATED.—The responsibilities assigned to the Commander by subsection (a)(1) shall not include the following:

(A) Military pay and allowances.

(B) Funding for facility support that is provided by the military services.

(C) STAFF PLAN.

(1) IN GENERAL.—Not later than the date that is 30 days after the date of the enactment of this Act, the Comptroller of the Department of Defense and the Commander of United States Cyber Command, in coordination with Chief Information Officer of the Department of the Army, the Principal Cyber Advisor, the Under Secretary of Defense for Acquisition and Sustainment, Cost Assessment and Program Evaluation, and the Secretaries of the military departments, shall jointly develop an implementation plan for the transition of responsibilities assigned by subsection (a)(1).

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

(A) A secretary review to identify appropriate resources for transfer to the Commander of United States Cyber Command for carrying out responsibilities assigned by subsection (a)(1). (B) Definition of appropriate roles and responsibilities.

(C) Specification of all program elements and subelements, and the training, equipment, Joint Cyber Warfighting Architecture capabilities, other enabling capabilities and infrastructure, intelligence support, operational and support investments in each program element and subelement, for which the Commander of United States Cyber Command is responsible.

(D) Specification of all program elements and subelements, and the training, equipment, Joint Cyber Warfighting Architecture capabilities, other enabling capabilities and infrastructure, intelligence support, operational and support investments in each program element and subelement relevant to or that support the Cyber Mission Force for which the Secretary of the military department is responsible.

(E) Required levels of civilian and military staffing within the United States Cyber Command for planning, programming, budgeting, and execution of the resources for fiscal year 2024 and each fiscal year thereafter.

(f) BRIEFING.—Not later than the earlier of the date on which the implementation plan required by subsection (c) is completed and the date that is 90 days after the date of the enactment of this Act, the Secretary of Defense shall provide the congressional defense committees a briefing on the implementation plan.

(g) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to authorize United States Cyber Command to conduct operations inside the United States or for private sector entities to conduct offensive cyber activities outside the United States, except to the extent such operations or activities are permitted by a provision of law in effect on the day before the date of the enactment of this Act.

SEC. 1604. COORDINATION BETWEEN UNITED STATES CYBER COMMAND AND PRIVATE SECTOR.

(a) VOLUNTARY PROCESS.—Not later than January 1, 2023, the Commander of United States Cyber Command shall establish a voluntary process to engage with commercial information technology and cybersecurity companies to explore and develop methods and plans through which the capabilities, knowledge, and experience of companies in the private sector could assist or be coordinated with the actions of companies operating inside the United States against the same foreign malicious cyber actors.

(b) ANNUAL BRIEFING.—

(1) IN GENERAL.—During the period beginning on March 1, 2022, and ending on March 1, 2026, the Commander shall, not less frequently than once each year, provide to the Committee on Armed Services of the Senate and the Committee on Homeland Security and Governmental Affairs of the Senate a briefing on the status of activities conducted under subsection (a).

(2) ELEMENTS.—Each briefing provided under paragraph (1) shall include the following:

(A) Such recommendations for legislative or administrative actions as the Commander considers appropriate to improve and facilitate the planning activities conducted under subsection (a).

(B) Such recommendations as the Commander may have for increasing private sector participation in the planning activities conducted under subsection (a).

(C) A description of any improvements resulting from the planning activities conducted in subsection (a).

(E) Such other matters as the Commander considers appropriate.

SEC. 1605. PILOT PROGRAM ON PUBLIC-PRIVATE PARTNERSHIPS WITH INTERNET ECOSYSTEM COMPANIES TO DETECT AND DISRUPT ADVERSARY CYBER OPERATIONS.

(a) PILOT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall establish and commence a pilot program to assess the feasibility and advisability of entering into public-private partnerships with internet ecosystem companies to facilitate actions as described in subsection (b).

(b) PUBLIC-PRIVATE PARTNERSHIPS.—

(1) IN GENERAL.—Under the pilot program required by subsection (a), the Secretary shall seek to enter into one or more public-private partnerships with internet ecosystem companies to facilitate actions as described in subsection (b).

(c) AUTHORIZED ACTIVITIES.—In establishing and conducting the pilot program under subsection (a), the Secretary may—

(1) Coordinate with internet ecosystem companies to facilitate actions as described in subsection (b);
Secretary of Defense shall brief the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives on the pilot program and the conduct of the pilot program under subsection (a).

(2) FOLLOW-UP.—Not later than 540 days after the date of the enactment of this Act, the Secretary shall brief the Senate Armed Services Committee and the House Armed Services Committee on the progress of the pilot program conducted under subsection (a), the projected end date of the pilot program, and the findings of the Secretary with respect to the feasibility and advisability of extending or expanding the pilot program.

(1) DEFINITIONS.—In this section:

(A) The term ‘‘internet ecosystem company’’ means a business incorporated in the United States that provide cybersecurity services, internet service, content delivery services, Domain Name Service, cloud services, mobile telecommunications services, email and messaging services, internet browser services, or such other services as the Secretary determines appropriate for the purposes of the pilot program required by subsection (a).

(D) COMPETITION CONCERNS.—The Secretary shall ensure that Government and private companies sharing under the pilot program remain private pursuant to a public-private partnership with the Secretary under subsection (b).

(F) The term ‘‘pilot program’’ means an internet ecosystem company that has entered into a public-private partnership with the Secretary under subsection (b).

7. SEC. 1606. ZERO TRUST STRATEGY, PRINCIPLES, MODEL ARCHITECTURE, AND IMPLEMENTATION PLANS.

(a) Zero Trust Strategy, Principles, and Model Architecture Required.—Not later than 270 days after the date of the enactment of this Act, the Chief Information Officer of the Department of Defense and the Commander of Joint Forces Headquarters—Department of Defense Information Network shall jointly develop a zero trust strategy, principles, and a model architecture to be included in the Department of Defense Information Network, including classified networks, operational technology, and weapon systems.

(b) Strategy, Principles, and Model Architecture Elements.—The zero trust strategy, principles, and model architecture required under subsection (a) shall include, at a minimum, the following elements:

(1) Prioritized policies and procedures for implementing the model architecture required under subsection (a).

(2) Key principles, including trust enabling capabilities within on-premises, cyber-physical systems, services, and infrastructure.

(3) Zero trust operational workflow to collect, retain, and share data with the Federal Government on issues relating to detection of malicious cyber activity and thresholds for action.

(c) Model Architecture and Implementation.—In exercising authority under subsection (a) the Secretary shall ensure that:

(C) the Principal Cyber Advisors of each military service; and

(G) the Principal Cyber Advisors of each military service; and

(H) the Chairman of the Joint Chiefs of Staff;

(2) FOLLOw-UP.—Not later than 540 days after the date of the enactment of this Act, the Chief Information Officer of the Department of Defense shall brief the committees described in paragraph (1) on the progress of the pilot program conducted under subsection (a), the projected end date of the pilot program, and the findings of the Secretary with respect to the feasibility and advisability of extending or expanding the pilot program.

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findings on enterprise accreditation standards as performed under section 1654 of such Act (133 Stat. 1764; Public Law 116-92).

(d) IMPLEMENTATION PLANS.—

(1) IN GENERAL.—Not later than one year after the finalization of the model zero trust principles and architecture required under subsection (a), the Chief Information Officer of the Department and the head of each component of the Department of Defense shall transmit to the Chief Information Officer of the Department and the Commander of Joint Forces Headquarters-Department of Defense Information Network a draft plan to implement such zero trust strategy, principles, and model architecture.

(2) ELEMENTS.—Each implementation plan transmitted under paragraph (1) shall include, at a minimum, the following:

(A) Specific acquisitions, implementations, instrumentation, and operational workflows to be implemented, across unclassified and classified networks, operational technology, and weapon systems;

(B) A detailed schedule with target milestones and required expenditures.

(C) Interim and final metrics, including a phase migration plan.

(D) A definition of additional funding, authorities, and policies, as may be required.

(E) Requested waivers, exceptions to Department of Defense policy, and expected delays.

(3) LIMITATION ON PROCUREMENT.—A head described in paragraph (1) who transmits a plan under such paragraph may not procure any hardware or software pursuant to such plan until the Chief Information Officer and the Commander both certify that the plan complies with Department interoperability needs.

(4) IN GENERAL.—In developing the Department zero trust reference architecture, and redundancy, resiliency, and federation requirements of the Department.

(e) IMPLEMENTATION OVERSIGHT.—

(1) IN GENERAL.—The Chief Information Officer shall:

(A) assess the implementation plans submitted under subsection (d)(1) for adequacy and responsiveness to the principles and model architecture required by subsection (a);

(B) assess such implementation plans and their institution for appropriate use of enterprise-wide acquisitions;

(C) evaluate at a high level, the interoperability and compatibility of individual components’ Solutions Architectures to include the leveraging of enterprise capabilities where appropriate through standards derivation, policy and reviews;

(D) use the annual investment guidance of the Chief to ensure appropriate implementation, including appropriate use of enterprise-wide acquisitions;

(E) track use of waivers and exceptions to policy;

(F) use the Cybersecurity Scorecard to track and drive implementation of Department components; and

(G) leverage the authorities of the Commander of Joint Forces Headquarters-Department of Defense Information Network and the Director of the Defense Information Systems Agency to begin implementation of the zero trust architecture across principles, and model architecture developed under subsection (a).

(2) ASSESSMENTS OF FUNDING.—Not later than March 31, 2024, and annually thereafter, each Principal Cyber Advisor of a military department shall include in the annual budget certification of the military service, as required by section 1657(d) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92), an assessment of the adequacy of the funding requested for each proposed budget for the purposes of carrying out the zero trust implementation plan for the military service developed in subsection (d).

(f) INITIAL BRIEFINGS.—

(1) BRIEFINGS ON MODEL ARCHITECTURE.—Not later than 90 days after finalizing the model zero trust principles and architecture required by the Chief Information Officer of the Department and the Commander of Joint Forces Headquarters-Department of Defense Information Network shall provide a briefing to the congressionally mandated defense committees on such strategy, principles, and model architecture.

(2) BRIEFINGS ON IMPLEMENTATION PLANS.—Not later than the Department of Defense Chief Information Officer’s receipt of an implementation plan required under subsection (d), the secretary of a military department shall provide a briefing to the congressional defense committees on the implementation plan pertaining to a remaining component of the Department, as the case may be, shall each provide a briefing to the congressional defense committees on the implementation plan.

(g) ANNUAL BRIEFINGS.—Effective February 1, 2022, at each of the annual cybersecurity budget briefing, the Chief Information Officer of the Department and the military services for congressional staff until January 1, 2030, the Chief and the head of each of the military services shall provide updates on the implementation of the zero trust architecture in their respective networks.

SEC. 1607. DEMONSTRATION PROGRAM FOR AUTOMATED SECURITY VALIDATION TOOLS.

(a) DEMONSTRATION PROGRAM REQUIRED.—Not later than October 1, 2024, the Chief Information Officer of the Department of Defense shall, acting through the Director of the Defense Information Systems Agency, coordinate demonstration program to develop and assess an automated security validation capability to assist the Department of Defense in:

(1) mitigating cyber hygiene challenges;

(2) supporting ongoing efforts of the Department to assess weapon system resiliency;

(3) quantifying enterprise security effectiveness of enterprise security controls, to inform future acquisition decisions of the Department;

(4) assisting portfolio managers with balancing capability costs and capability coverage of the threat landscape; and

(5) supporting the Department of Defense Cybersecurity Analysis and Review threat framework.

(b) CONSIDERATIONS.—In developing capabilities for the demonstration program required by subsection (a), the Chief Information Officer shall consider:

(1) integration of commercial and open source tools; and

(2) leveraging of existing cybersecurity controls.

SEC. 1608. IMPROVEMENTS TO CONSORTIUM OF UNIVERSITIES TO ADVISE SECRETARY OF DEFENSE ON CYBERSECURITY MATTERS.

(a) IN GENERAL.—Section 1659 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; 10 U.S.C. 391 note) is amended—

(1) in subsection (a), in the matter before paragraph (1), by striking “one or more consortia” and inserting “and the consortium”;

(2) in subsection (c), by amending paragraph (1) to read as follows:

“(1) DESIGNATION OF ADMINISTRATIVE CHAIR.—The Secretary of Defense shall designate the National Defense University College of Information and Cyberspace to function as the administrative chair of the consortium established under subsection (a).”;

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

(1) in subsection (a)(1), by striking “or consortia”;

(2) in subsection (b), by striking “or consortia”; and

(3) in subsection (c)—

(A) by striking paragraph (2);

(B) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively;

(C) in paragraph (2), as redesignated by subparagraph (B)—

(i) in the matter before paragraph (A)—

(I) by striking “Each administrative” and inserting “The administrative”; and

(II) by striking “a consortium” and inserting “the consortium”; and

(ii) in paragraph (A)—

(I) by striking “Each administrative” and inserting “the administrative”; and

(II) by striking “a consortium” and inserting “the consortium”; and

(3) in paragraph (a)(1) to read as follows:

“(d) EXECUTIVE COMMITTEE.—The Secretary, in consultation with the administrative chair, may form an executive committee for the consortium that is comprised of representatives of the Federal Government to assist the chair with the management and functions of the consortium.”;

(4) by amending subsection (d), as redesignated by subsection (b), to read as follows:

“(d) CONSULTATION.—The Secretary shall meet with such members of the consortium as the Secretary considers appropriate, not less frequently than annually, or at such periodicity as is agreed to by the Secretary and the consortium.”.
SEC. 1609. QUARTERLY REPORTS ON CYBER OPERATIONS.
(a) In General.—Section 849 of title 10, United States Code is amended—
(1) in the section heading, by inserting "and reports" after "briefings";
(2) in subsection (a)—
(A) by inserting "and reports" after "briefing"; and
(B) by inserting "and" and submit to the congressional defense committees a report on—
(1) in paragraph (1), by inserting "and report" after "Each briefing";
(2) by deleting paragraph (b); and
(3) in subsection (b), in the matter before paragraph (1), by inserting "and report" after "Each briefing".
(b) C LERICAL AMENDMENT.—The table of sections at the beginning of chapter 23 of this title is amended by striking the item relating to section 849 and inserting the following new item:
"849. Quarterly cyber operations briefings and reports."

SEC. 1610. ASSESSMENT OF CYBERSecurity PosT- AND OPERATIONAL ASSUMPTIONS AND DEVELOPMENT OF TARGETING STRATEGIES AND SUPPORTING CAPABILITIES.
(a) ASSESSMENT OF CYBERSecurity Post- AND OPERATIONAL ASSUMPTIONS AND DEVELOPMENT OF TARGETING STRATEGIES AND SUPPORTING CAPABILITIES.—
(1) In General.—Not later than one year after the date of the enactment of this Act, the Commander of United States Cyber Command, the Under Secretary of Defense for Policy, and the Under Secretary of Defense for Intelligence and Security, shall jointly sponsor or conduct an assessment, including, if appropriate, a war-game or tabletop exercise, of the current and emerging offensive cyber posture of adversaries of the United States and the current operational assumptions and plans of the Armed Forces for offensive cyber operations during potential crises or conflicts.
(2) ELEMENTS.—The assessment required by paragraph (1) shall include consideration of the following:
(A) Changes to strategies, operational concepts, computer preparation of the environment, and rules of engagement.
(B) Opportunities provided by armed forces in theaters of operations and other innovative alternatives.
(C) Changes in intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)) targeting and operations in support of the Department of Defense.
(D) Adversary capabilities to deny or degrade, and other threats to United States critical infrastructure and capabilities.
(E) Adversaries targeting of United States critical infrastructure and implications for United States policy.
(F) Potential effect of emerging technologies, such as fifth generation mobile networks, expanded use of cloud information technology services, and artificial intelligence.
(G) Changes in organizational design.
(H) The effect of private sector cybersecurity research.
(b) DEVELOPMENT OF TARGETING STRATEGIES, SUPPORTING CAPABILITIES, AND OPERATIONAL CONCEPTS.—
(1) REQUIREMENTS.—Not later than one year after the date of the enactment of this Act, the Commander shall—
(A) assess and establish the capabilities, capacities, tools, and tactics required to support targeting strategies for—
(i) day-to-day persistent engagement of adversaries, including support to information operations;
(ii) support to geographic combatant commanders at the onset of hostilities and during sustained conflict; and
(iii) critical infrastructure attacks on United States critical infrastructure, including the threat of counter value responses;
(B) develop future cyber targeting strategies and capabilities across the categories of cyber missions and target classes where—
(i) time-consuming and human effort-intensive cyber operations are required to acquire and maintain access to targets, and the mission is so important it is worthwhile to expend such efforts to hold them at risk; (ii) target prosecution requires unique access and exploitation tools and technologies, and the target importance justifies such efforts, time, and expense;
(iii) operational circumstances do not allow for and do not require spending the time and human effort required for stealthy, nonattributable, and continuous access to targets;
(iv) capabilities are needed to rapidly prosecute targets that have not been previously planned and that can be accessed and exploited using known, available tools and techniques; and
(v) targets may be prosecuted with the aid of automated techniques to achieve speed, mass, and scale; and
(C) develop strategies for appropriate utilization of Cyber Mission Teams in support of combatant command objectives as—
(i) adjuncts to or substitutes for kinetic operations; or
(ii) independent means to achieve novel tactical, operational, and strategic objectives.
(2) BRIEFING REQUIRED.—
(A) In General.—Not more than 30 days after the date on which all of the activities required by paragraph (1) have been completed, the Commander shall provide the congressional defense committees a briefing on the activities.
(B) ELEMENTS.—The briefing provided under subparagraph (A) shall include the following:
(i) Recommendations for such legislative or administrative action as the Commander considers necessary to address capability shortcomings.
(ii) Plans to address capability shortcomings.
(c) COUNTRY-SPECIFIC ACCESS STRATEGIES.—
(1) In General.—Not later than one year after the date on which all of the activities required by subsection (b)(1) have been completed, the Commander shall complete development of country-specific access strategies to the People’s Republic of China, the Democratic People’s Republic of Korea, and the Islamic Republic of Iran.
(2) ELEMENTS.—Each country-specific access strategy developed under paragraph (1) shall include the following:
(A) Specification of desired and required—
(i) targets;
(ii) cyber warfighting architecture, to include—
(I) tools and redirects; (II) access to targets; (III) data analytics, modeling, and simulation capacity; (iv) specific means to achieve and maintain persistent access and conduct command and control and exfiltration against hard targets and in operationally challenging environments across the continuum of conflict; (v) intelligence on which all of the activities to support targeting strategies for—
(A) assess and establish the capabilities, capacities, tools, and tactics required to support targeting strategies for—
(i) day-to-day persistent engagement of adversaries, including support to information operations;
(ii) support to geographic combatant commanders at the onset of hostilities and during sustained conflict; and
(iii) critical infrastructure attacks on United States critical infrastructure, including the threat of counter value responses;
the activities of such enterprises, have interactions with such enterprises, could direct their operations, and could suppress them;
(G) an assessment as to whether the criminal cyber capability described in subparagraph (F) are perfecting and practicing attack techniques and capabilities at scale that can be co-opted and placed in the service of their interests whenever they are based; and
(H) identification of such legislative or administrative action as may be necessary to more effectively counter the threat of ransomware; and
(2) develop recommendations for the Department to build capabilities to develop and execute innovative methods to deter and counter cyberattacks, and in response to the launching of attacks.
(b) BRIEFING.—Not later than April 1, 2022, 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. 1612. COMPARATIVE ANALYSIS OF CYBERSECURITY CAPABILITIES.
(a) COMPARATIVE ANALYSIS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Principal Cyber Advisor and the Director of Cost Assessment and Program Evaluation shall develop recommendations for the Department to build capabilities to develop and execute innovative methods to deter and counter cyberattacks, and in response to the launching of attacks.
(b) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Principal Cyber Advisor and the Director of Cost Assessment and Program Evaluation shall jointly provide the congressional defense committees with a briefing on the findings of the Principal Cyber Advisor and the Director regarding such analysis, along with such recommendations for legislative or administrative action as the Principal Cyber Advisor and the Director may have with respect to the matters covered by the analysis.
SEC. 1613. REPORT ON THE CYBERSECURITY MASTERY LEVEL MODEL CERTIFICATION PROGRAM.
(a) REPORT REQUIRED.—Not later than January 15, 2022, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the plans of the Secretary for the Cyber Maturity Model Certification program in consideration of the recent internal review of the program and recent efforts of the Senate and the House of Representatives to improve the cybersecurity of the defense industrial base.
(b) CONTENTS.—The report submitted under subsection (a) shall include the following:
(1) The process required in the Cyber Maturity Model Certification program to address recommendations developed pursuant to the review described in subsection (a).
(2) The strategy of the Secretary for rulemaking for such program and the process for the Cybersecurity Maturity Model Certification rule.
(3) The budget and resources required to support such program.
(4) A plan for communication and coordination with the industrial base regarding such program.
(5) The coordination needed within the Department and between Federal agencies for such program.
(7) Plans and explicit public announcement of processes for reimbursement of cybersecurity compliance expenses for small and nontraditional businesses in the defense industrial base.
(8) Plans for ensuring that persons seeking a Department of Defense contract for the first time are not required to expend funds to acquire cybersecurity capabilities and a certification required to perform under a contract as a precondition for bidding on such a contract without reimbursement in the event that such persons do not receive a contract.
SEC. 1614. REPORT ON POTENTIAL DEPARTMENT OF DEFENSE REQUIREMENTS FOR CRITICAL INFRASTRUCTURE PROTECTION.
(a) REPORT REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of Homeland Security and the National Cyber Director, shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report that provides recommendations on how the Department of Defense can improve support and assistance to the Cybersecurity and Infrastructure Security Agency to increase awareness of threats and vulnerabilities affecting critical infrastructure, including through information sharing and voluntary network monitoring programs.
(b) IDENTIFY AND ASSIST.—The report required by subsection (a) shall—
(1) assess and identify areas in which the Department of Defense could provide support or assistance to the Cybersecurity and Infrastructure Security Agency by sharing or increasing the technical understanding and awareness of threats and vulnerabilities affecting critical infrastructure, including through information sharing and voluntary network monitoring programs;
(2) identify and assess any legal, policy, organizational, or technical barriers to enabling support provided by the Department to the Agency for improved situational awareness of cyber threats to critical infrastructures, including increased information sharing;
(3) assess and describe any legal or policy changes necessary to enable the Department to provide support or assistance to the Agency for improved situational awareness of cyber threats to critical infrastructure while preserving privacy and civil liberties;
(4) assess and describe any budgetary and other resource effects of the Department on providing support or assistance to the Agency for improved situational awareness of cyber threats to critical infrastructures; and
(5) provide a notional time-phased plan, including milestones, to enable the Department to provide support or assistance to the Agency to increase awareness of threats and vulnerabilities affecting domestic critical infrastructure networks.
(c) CRITICAL INFRASTRUCTURE DEFINED.—In this section, the term "critical infrastructure" has the meaning given such term in subsection (e) of the Critical Infrastructures Protection Act of 2001 (42 U.S.C. 5195c(e)).
SEC. 1615. DEADLINE FOR REPORTS ON ASSESSMENT OF CYBERSECURITY OF NUCLEAR COMMAND AND CONTROL SYSTEM.
Section 499(c) of title 10, United States Code, is amended—
(1) in paragraph (1), in the matter before subparagraph (A), by striking "the Commanders" and inserting "the Commanders and Commanders’"; and
(2) in paragraph (2), by striking "(B) in paragraph (1) of subparagraph (A)," and inserting "(B) in paragraph (1) of subparagraph (A), and—"; and
(3) in paragraph (3), by striking "(A) in paragraph (1) of subparagraph (A)," and inserting "(A) in paragraph (1) of subparagraph (A), and—".
(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Fort Rucker</td>
<td>$20,000,000</td>
</tr>
<tr>
<td>California</td>
<td>Redstone Arsenal</td>
<td>$55,000,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Fort Stewart</td>
<td>$52,000,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>West Loch Naval Magazine Annex</td>
<td>$51,000,000</td>
</tr>
<tr>
<td>Kansas</td>
<td>Wheeler Army Airfield</td>
<td>$27,000,000</td>
</tr>
<tr>
<td>Kentucky</td>
<td>Camp Minden</td>
<td>$13,800,000</td>
</tr>
<tr>
<td>Louisiana</td>
<td>Fort Polk</td>
<td>$11,000,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Fort Meade</td>
<td>$36,000,000</td>
</tr>
<tr>
<td>New York</td>
<td>Fort Hamilton</td>
<td>$26,000,000</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Watervliet Arsenal</td>
<td>$20,000,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Fort Bliss</td>
<td>$30,000,000</td>
</tr>
<tr>
<td></td>
<td>Fort Hood</td>
<td>$130,000,000</td>
</tr>
</tbody>
</table>

SEC. 2102. FAMILY HOUSING.  
(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installation or location, in the number of units, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Units</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Italy</td>
<td>Vicenza</td>
<td>Family Housing New Construction</td>
<td>$92,304,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $7,545,000.
SEC. 2104. EXTENSION OF AUTHORIZATION OF FISCAL YEAR 2017 PROJECT AT WIESBADEN ARMY AIRFIELD.

(a) EXTENSION.—Notwithstanding section 2002 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 3688), the authorization set forth in the table in subsection (b), as provided in section 2101(b) of that Act (130 Stat. 3689), shall remain in effect until October 1, 2023, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2024, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2017 Project Authorization

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Original Authorized Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Germany</td>
<td>Wiesbaden Army Airfield</td>
<td>Hazardous Material Storage Building</td>
<td>$2,700,000</td>
</tr>
</tbody>
</table>

SEC. 2105. ADDITIONAL AUTHORITY TO CARRY OUT FISCAL YEAR 2018 PROJECT AT FORT BLISS, TEXAS.

(a) PROJECT AUTHORIZATION.—The Secretary of the Army may carry out a military construction project to construct a defense access road at Fort Bliss, Texas, in the amount of $20,000,000.

(b) USE OF AMOUNTS.—The Secretary may use funds appropriated under section 131 of the Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2018 (title I of division J of Public Law 115–141; 132 Stat. 805) for the Defense Access Road Program to carry out subsection (a).

SEC. 2106. MODIFICATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 2018 PROJECT AT FORT WAINWRIGHT, ALASKA.

(a) MODIFICATION OF PROJECT AUTHORITY.—In the case of the authority contained in the table in section 2101(a) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) for Fort Wainwright, Alaska, for construction of unaccompanied enlisted personnel housing, as specified in the funding table in section 4601 of such Act, the Secretary of the Army may construct an unaccompanied enlisted personnel housing building of 104,300 square feet to incorporate a modified standard design, and also may construct an outdoor recreational shelter, sports fields and courts, barbecue and leisure area, and fitness stations associated with the unaccompanied enlisted personnel housing.

(b) MODIFICATION OF PROJECT AMOUNTS.—

(1) DIVISION B TABLE.—The authorization table in section 2101(a) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is amended, in the item relating to Fort Wainwright, Alaska, by striking “$114,000,000” in the Amount column and inserting “$146,000,000” to reflect the project modification made by subsection (a).

(2) DIVISION D TABLE.—The funding table in section 4601 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is amended, in the item relating to Fort Wainwright, Alaska, Unaccompanied Enlisted Personnel Housing, by striking “$59,000” in the Conference Authorized column and inserting “$91,000” to reflect the project modification made by subsection (a).

SEC. 2107. ADDITIONAL AUTHORITY TO CARRY OUT FISCAL YEAR 2022 PROJECT AT ABERDEEN PROVING GROUND, MARYLAND.

(a) PROJECT AUTHORIZATION.—The Secretary of the Army may carry out a military construction project to construct a 6,000 square foot recycling center to meet the requirements of a qualified recycling program at Aberdeen Proving Ground, Maryland, in the amount of $3,600,000.

(b) USE OF LEASE PAYMENT FUNDS.—The Secretary may use funds generated pursuant to section 2607 of title 10, United States Code, in addition to funds appropriated for the unaccompanied enlisted personnel housing, for the project specified in subsection (a).

TITLE XXII—NAVY MILITARY CONSTRUCTION

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona</td>
<td>Marine Corps Air Station Yuma</td>
<td>$129,000,000</td>
</tr>
<tr>
<td>California</td>
<td>Marine Corps Air Ground Combat Center</td>
<td>$45,000,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Air Station Miramar</td>
<td>$249,000,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Base Camp Pendleton</td>
<td>$191,300,000</td>
</tr>
<tr>
<td></td>
<td>Naval Base Ventura County</td>
<td>$197,500,000</td>
</tr>
<tr>
<td></td>
<td>Naval Base Coronado</td>
<td>$63,600,000</td>
</tr>
<tr>
<td>Meade</td>
<td>Marine Corps Reserve Depot San Diego</td>
<td>$83,700,000</td>
</tr>
<tr>
<td>Ford Island</td>
<td>San Nicolas Island</td>
<td>$340,117,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Support Facility Blount Island</td>
<td>$69,400,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Marine Corps Base Kaneohe Bay</td>
<td>$165,700,000</td>
</tr>
<tr>
<td>Maine</td>
<td>Portsmouth Naval Shipyard</td>
<td>$225,000,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Marine Corps Air Station Cherry Point</td>
<td>$61,200,000</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Marine Corps Base Camp Lejeune</td>
<td>$127,600,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Marine Corps Air Station Beaufort</td>
<td>$344,793,000</td>
</tr>
<tr>
<td></td>
<td>Naval Station Norfolk</td>
<td>$303,500,000</td>
</tr>
<tr>
<td></td>
<td>Naval Station Yorktown</td>
<td>$156,300,000</td>
</tr>
<tr>
<td></td>
<td>Portsmouth Naval Shipyard</td>
<td>$42,850,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Base Quantico</td>
<td>$42,850,000</td>
</tr>
</tbody>
</table>

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>El Salvador</td>
<td>Cooperative Security Location Comalapa</td>
<td>$28,000,000</td>
</tr>
<tr>
<td>Guam</td>
<td>Andersen Air Force Base</td>
<td>$50,890,000</td>
</tr>
<tr>
<td>Japan</td>
<td>Joint Region Marianas</td>
<td>$507,627,000</td>
</tr>
<tr>
<td>Spain</td>
<td>Fleet Activities Yokosuka</td>
<td>$49,900,000</td>
</tr>
<tr>
<td></td>
<td>Naval Station Rota</td>
<td>$35,680,000</td>
</tr>
</tbody>
</table>
**SEC. 2202. 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 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 $5,732,000.

**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 $71,884,000.

**SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2021, for military construction, land acquisition, and military family housing functions of the Department of the Navy, as specified in the funding table in section 4601.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2633 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2601 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

**TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION**

**SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td>Eielson Air Force Base</td>
<td>$44,850,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>Davis-Monthan Air Force Base</td>
<td>$251,000,000</td>
</tr>
<tr>
<td>California</td>
<td>Vandenberg Space Force Base</td>
<td>$67,000,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Schriever Space Force Base</td>
<td>$30,000,000</td>
</tr>
<tr>
<td>District of Columbia</td>
<td>Joint Base Andrews</td>
<td>$20,000,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Eglin Air Force Base</td>
<td>$14,000,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Moody Air Force Base</td>
<td>$12,500,000</td>
</tr>
<tr>
<td>Louisiana</td>
<td>Barksdale Air Force Base</td>
<td>$272,000,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Hanscom Air Force Base</td>
<td>$66,000,000</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>Hanscom Air Force Base</td>
<td>$66,000,000</td>
</tr>
<tr>
<td>Ohio</td>
<td>Wright-Patterson Air Force Base</td>
<td>$23,000,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Tinker Air Force Base</td>
<td>$160,000,000</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Joint Base Charleston</td>
<td>$85,000,000</td>
</tr>
<tr>
<td>South Dakota</td>
<td>Ellsworth Air Force Base</td>
<td>$252,000,000</td>
</tr>
<tr>
<td>Tennessee</td>
<td>Arnold Air Force Base</td>
<td>$13,600,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Joint Base San Antonio</td>
<td>$141,000,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Joint Base Langley-Eustis</td>
<td>$29,000,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Joint Base Langley-Eustis</td>
<td>$29,000,000</td>
</tr>
</tbody>
</table>

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australia</td>
<td>Royal Australian Air Force Base Darwin</td>
<td>$7,400,000</td>
</tr>
<tr>
<td>Guam</td>
<td>Joint Region Marianas</td>
<td>$14,500,000</td>
</tr>
<tr>
<td>Italy</td>
<td>Aviano Air Force Base</td>
<td>$85,000,000</td>
</tr>
<tr>
<td>Japan</td>
<td>Kadena Air Base</td>
<td>$10,200,000</td>
</tr>
<tr>
<td>Japan</td>
<td>Misawa Air Base</td>
<td>$270,000,000</td>
</tr>
<tr>
<td>Japan</td>
<td>Yokota Air Base</td>
<td>$25,000,000</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Royal Air Force Lakenheath</td>
<td>$25,000,000</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Royal Air Force Lakenheath</td>
<td>$39,000,000</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Royal Air Force Lakenheath</td>
<td>$104,000,000</td>
</tr>
</tbody>
</table>

**SEC. 2302. FAMILY HOUSING.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $100,259,000.

**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, 2021, 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 2633 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2601 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. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2017 PROJECTS.**

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2017 (division B of Public Law 114-328; 130 Stat. 2968), the authorizations set forth in the table in subsection (b), as provided in section 2301 of that Act (130 Stat. 2968), shall remain in effect until October 1, 2023, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2024, whichever is later.
Air Force: Extension of 2017 Project Authorizations

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Original Authorized Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Germany</td>
<td>Ramstein Air Base</td>
<td>37 AS Squadron Operations/Aircraft Maintenance Unit</td>
<td>$13,437,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>APR–Munitions Storage Igloos, Ph 2</td>
<td>$35,300,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>APR–BAYCOM C2I Facility</td>
<td>$14,290,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>APR–Replace Munitions Structures</td>
<td>$19,815,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>C–130J Corrosion Control Hangar</td>
<td>$23,777,000</td>
</tr>
<tr>
<td>Guam</td>
<td>Joint Region Marianas</td>
<td>Construct Combat Arms Training and Maintenance Facility</td>
<td>$8,243,000</td>
</tr>
<tr>
<td></td>
<td>Kadena Air Base</td>
<td>Royal Air Force Croughton</td>
<td>$16,500,000</td>
</tr>
</tbody>
</table>

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2017 Project Authorizations

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Original Authorized Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Germany</td>
<td>Spangdahlem Air Base</td>
<td>F/A–22 Low Observable/Composite Repair Fac</td>
<td>$12,000,000</td>
</tr>
<tr>
<td></td>
<td>Spangdahlem Air Base</td>
<td>Upgrade Hardened Aircraft Shelters for F/A–22</td>
<td>$2,700,000</td>
</tr>
</tbody>
</table>

Air Force: Extension of 2017 Project Authorization

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Original Authorized Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Massachusetts</td>
<td>Hanscom Air Force Base</td>
<td>Construct Vandenberg Gate Complex</td>
<td>$10,965,000</td>
</tr>
</tbody>
</table>

SEC. 2306. EXTENSION OF AUTHORIZATIONS OF FISCAL YEAR 2017 PROJECTS AT SPANGDAHLEM AIR BASE, GERMANY.

(a) Extension.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2017 (division B of Public Law 114–328; 130 Stat. 2688), the authorizations set forth in the table in subsection (b), as provided in section 2902 of that Act (130 Stat. 2743), shall remain in effect until October 1, 2023, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2024, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Original Authorized Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Germany</td>
<td>Spangdahlem Air Base</td>
<td>F/A–22 Low Observable/Composite Repair Fac</td>
<td>$12,000,000</td>
</tr>
<tr>
<td></td>
<td>Spangdahlem Air Base</td>
<td>Upgrade Hardened Aircraft Shelters for F/A–22</td>
<td>$2,700,000</td>
</tr>
</tbody>
</table>

SEC. 2307. EXTENSION OF AUTHORIZATION OF FISCAL YEAR 2017 PROJECT AT HANSCOM AIR FORCE BASE, MASSACHUSETTS.

(a) Extension.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2017 (division B of Public Law 114–328; 130 Stat. 2688), the authorization set forth in the table in subsection (b), as provided in section 2301 of that Act (130 Stat. 2696), shall remain in effect until October 1, 2022, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2023, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Original Authorized Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Massachusetts</td>
<td>Hanscom Air Force Base</td>
<td>Construct Vandenberg Gate Complex</td>
<td>$10,965,000</td>
</tr>
</tbody>
</table>

SEC. 2308. MODIFICATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 2018 PROJECT AT TYNDALL AIR FORCE BASE, FLORIDA.

In the case of the authorization contained in section 2308(a) of the Military Construction Authorization Act for Fiscal Year 2018 (Division B of Public Law 115–91; 131 Stat. 1525) for Tyndall Air Force Base, Florida, for construction of a fire station, as specified in the funding table in section 4601 of that Act (131 Stat. 2002), the Secretary of the Air Force may construct up to 3,586 square meters of crash rescue or structural fire station.

SEC. 2309. MODIFICATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 2020 PROJECTS AT TYNDALL AIR FORCE BASE, FLORIDA.

In the case of the authorization contained in section 2302(a) of the Military Construction Authorization Act for Fiscal Year 2020 (Division B of Public Law 116–92; 133 Stat. 1913) for Tyndall Air Force Base, Florida—

(1) for construction of Site Development, Utilities, and Demo Phase 1, as specified in the Natural Disaster Recovery Justification Book dated August 2019, the Secretary of the Air Force may construct—

(A) up to 5,696 lineal meters of waste water; and

(B) up to 6,306 lineal meters of storm water; and

(C) two emergency power backup generators;

(2) for construction of Munitions Storage Facilities, as specified in the Natural Disaster Recovery Justification Book dated August 2019, the Secretary of the Air Force may construct—

(A) up to 4,393 square meters of aircraft support equipment storage yard;

(B) up to 1,536 square meters of tactical missile maintenance facility; and

(C) up to 560 square meters of missile warhead assembly and maintenance shop and storage;

(3) for construction of 925th Fighting Wing HQ Facility, as specified in the funding table in section 4603 of that Act (133 Stat. 2103), the Secretary of the Air Force may construct up to 769 square meters of separate administrative space for sexual assault prevention and response and sexual response coordinators;

(4) for construction of Deployment Center/Flight Line Dining/AAFES, as specified in such funding table, the Secretary of the Air Force may construct up to 144 square meters of Army and Air Force Exchange Service shops and services;

(5) for construction of Flightline–Muns Storage, 7000 Area, as specified in such funding table, the Secretary of the Air Force may construct—

(A) up to 1,861 square meters of above ground magazines; and

(B) up to 530 square meters of aircraft support equipment shop or storage facility pad;

(6) for construction of Site Development, Utilities, and Demo Phase 2, as specified in such funding table, the Secretary of the Air Force may construct—

(A) up to 2,533 lineal meters of storm water;

(B) up to 48,560 square meters of roads;

(C) up to 3,612 lineal meters of gas pipeline; and

(D) up to 993 square meters of water fire pumping station with an emergency backup generator;

(7) for construction of Tyndall AFB Gate Complexes, as specified in such funding table, the Secretary of the Air Force may construct—

(A) up to 52,694 square meters of roadway with serpentines; and

(B) up to 20 active or passive barriers;

(8) for construction of Airfield Drainage, as specified in such funding table, the Secretary of the Air Force may construct—

(A) up to 18,931 meters of storm drain piping;

(B) up to 19,131 meters of box culvert;

(C) up to 3,704 meters of concrete block swale; and

(D) up to 556 storm drain structures; and

These changes are effective October 1, 2020.
(E) up to 81,500 square meters of storm drain ponds;
(9) for construction of 53 WEG Complex, as specified in the Natural Disaster Recovery Justification Book dated August 2019, the Secretary of the Air Force may construct—
(A) up to 1,693 square meters of aircraft maintenance shop;
(B) up to 1,458 square meters of fuel systems maintenance dock; and
(C) up to 3,471 square meters of group headquarters;
(10) for construction of 53 WEG Subscale Drone Facility, as specified in the Natural Disaster Recovery Justification Book dated August 2019, the Secretary of the Air Force may construct up to 511 square meters of pilotless aircraft shop in a separate facility;
(11) for construction of CE/Contracting/USACE Complex, as specified in the Natural Disaster Recovery Justification Book dated August 2019, the Secretary of the Air Force may construct—
(A) up to 557 square meters of base engineer storage shed 6000 area; and
(B) up to 183 square meters of non-Air Force administrative office;
(12) for construction of Logistics Readiness Squadron Complex, as specified in the Natural Disaster Recovery Justification Book dated August 2019, the Secretary of the Air Force may construct—
(A) up to 802 square meters of supply administrative headquarters;
(B) up to 528 square meters of vehicle wash rack; and
(C) up to 528 square meters of vehicle service rack;
(13) for construction of Fire Station Silver Flag #4, as specified in the Natural Disaster Recovery Justification Book dated August 2019, the Secretary of the Air Force may construct up to 651 square meters of fire station; and
(14) for construction of AFCEC RDT&E, as specified in the Natural Disaster Recovery Justification Book dated August 2019, the Secretary of the Air Force may construct 545 square meters of CE Mat Test Runway Support Building, 1,593 square meters of Robotics Range Control Support Building, and 653 square meters of fire garage.

### Defense Agencies: Inside the United States

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Redstone Arsenal</td>
<td>$150,000,000</td>
</tr>
<tr>
<td>California</td>
<td>Camp Pendleton</td>
<td>$13,600,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Silver Strand Training Complex</td>
<td>$33,700,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Buckley Air Force Base</td>
<td>$20,000,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Joint Base Pearl Harbor-Hickam</td>
<td>$29,800,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Fort Meade</td>
<td>$1,201,000,000</td>
</tr>
<tr>
<td>New Mexico</td>
<td>Kirtland Air Force Base</td>
<td>$8,500,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Fort Belvoir</td>
<td>$29,800,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Oak Harbor</td>
<td>$59,000,000</td>
</tr>
</tbody>
</table>

(b) **Outside the United States**—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Germany</td>
<td>Ramstein Air Base</td>
<td>$93,000,000</td>
</tr>
<tr>
<td>Japan</td>
<td>Kadena Air Base</td>
<td>$25,000,000</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Royal Air Force Lakenheath</td>
<td>$19,283,000</td>
</tr>
</tbody>
</table>

### Defense Agencies: Outside the United States

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Germany</td>
<td>Ramstein Air Base</td>
<td>$93,000,000</td>
</tr>
<tr>
<td>Japan</td>
<td>Kadena Air Base</td>
<td>$25,000,000</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Royal Air Force Lakenheath</td>
<td>$19,283,000</td>
</tr>
</tbody>
</table>

### SEC. 2402. AUTHORIZED ENERGY RESILIENCE AND CONSERVATION INVESTMENT PROJECTS

(a) **Inside the United States**—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for energy conservation projects as specified in the funding table in section 4601, the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, for the installations or locations inside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Fort Rucker</td>
<td>$24,000,000</td>
</tr>
<tr>
<td>California</td>
<td>Marine Corps Air Station Miramar</td>
<td>$4,900,000</td>
</tr>
<tr>
<td>District of Columbia</td>
<td>Naval Air Weapons Station China Lake/Ridgecrest</td>
<td>$9,120,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Joint Base Anacostia Bolling</td>
<td>$31,261,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>MacDill Air Force Base</td>
<td>$22,000,000</td>
</tr>
<tr>
<td>Idaho</td>
<td>Fort Bragg</td>
<td>$27,169,000</td>
</tr>
<tr>
<td>Michigan</td>
<td>Fort Stewart</td>
<td>$17,093,000</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Naval Submarine Base Kings Bay</td>
<td>$19,314,000</td>
</tr>
<tr>
<td>New York</td>
<td>Fort Drum</td>
<td>$20,655,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Fort Bragg</td>
<td>$27,169,000</td>
</tr>
<tr>
<td>Ohio</td>
<td>Springfield-Beckley Municipal Airport</td>
<td>$4,900,000</td>
</tr>
<tr>
<td>North Dakota</td>
<td>Cavalier Air Force Station</td>
<td>$24,150,000</td>
</tr>
<tr>
<td>Puerto Rico</td>
<td>Aguadilla</td>
<td>$10,120,000</td>
</tr>
<tr>
<td>Tennessee</td>
<td>Fort Allen</td>
<td>$12,190,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Fort Belvoir, NGA Campus East</td>
<td>$365,000</td>
</tr>
</tbody>
</table>

### ERCIP Projects: Inside the United States

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Fort Rucker</td>
<td>$24,000,000</td>
</tr>
<tr>
<td>California</td>
<td>Marine Corps Air Station Miramar</td>
<td>$4,900,000</td>
</tr>
<tr>
<td>District of Columbia</td>
<td>Naval Air Weapons Station China Lake/Ridgecrest</td>
<td>$9,120,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Joint Base Anacostia Bolling</td>
<td>$31,261,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>MacDill Air Force Base</td>
<td>$22,000,000</td>
</tr>
<tr>
<td>Idaho</td>
<td>Fort Bragg</td>
<td>$27,169,000</td>
</tr>
<tr>
<td>Michigan</td>
<td>Fort Stewart</td>
<td>$17,093,000</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Naval Submarine Base Kings Bay</td>
<td>$19,314,000</td>
</tr>
<tr>
<td>New York</td>
<td>Fort Drum</td>
<td>$20,655,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Fort Bragg</td>
<td>$27,169,000</td>
</tr>
<tr>
<td>Ohio</td>
<td>Springfield-Beckley Municipal Airport</td>
<td>$4,900,000</td>
</tr>
<tr>
<td>North Dakota</td>
<td>Cavalier Air Force Station</td>
<td>$24,150,000</td>
</tr>
<tr>
<td>Puerto Rico</td>
<td>Aguadilla</td>
<td>$10,120,000</td>
</tr>
<tr>
<td>Tennessee</td>
<td>Fort Allen</td>
<td>$12,190,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Fort Belvoir, NGA Campus East</td>
<td>$365,000</td>
</tr>
</tbody>
</table>
(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for energy conservation projects as specified in the funding table in section 4601, the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, for the installations or locations outside the United States, and in the amounts, set forth in the following table:

### ERCIP Projects: Outside the United States

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Guam</td>
<td>Polaris Point, Naval Base Guam</td>
<td>$38,300,000</td>
</tr>
<tr>
<td>Japan</td>
<td>Naval Air Facility Atsugi</td>
<td>$3,810,000</td>
</tr>
<tr>
<td>Kuwait</td>
<td>Camp Arifjan</td>
<td>$15,000,000</td>
</tr>
<tr>
<td>Poland</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Korea</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Japan</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Guam</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Korea</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Malaysia</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Thailand</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2021, 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 2803 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

SEC. 2404. EXTENSION OF AUTHORIZATION OF FISCAL YEAR 2017 PROJECT AT YOKOTA AIR BASE, JAPAN.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2017 (division B of Public Law 114–328; 130 Stat. 2688), the authorization set forth in the table in subsection (b), as provided in section 2401(b) of that Act (130 Stat. 2700), shall remain in effect until October 1, 2023, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2024, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

<table>
<thead>
<tr>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Country</td>
</tr>
<tr>
<td>---------</td>
</tr>
<tr>
<td>Japan</td>
</tr>
</tbody>
</table>

TITLE XXV—INTERNATIONAL PROGRAMS

Subtitle A—North Atlantic Treaty Organization Security Investment Program

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 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, 2021, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501 as specified in the funding table in section 4601.

(b) AUTHORITY TO RECOGNIZE NATO AUTHORIZATION AMOUNTS AS BUDGETARY RESOURCES FOR PROJECT EXECUTION.—When the United States is designated as the Host Nation for the purposes of executing a project under the NATO Security Investment Program (NSIP), the Department of Defense construction agent may recognize the NATO project authorization amounts as budgetary resources to incur obligations for the purposes of executing the NSIP project.

Subtitle B—Host Country In-Kind Contributions

SEC. 2511. REPUBLIC OF KOREA FUNDED CONSTRUCTION PROJECTS.

Pursuant to agreement with the Republic of Korea for required in-kind contributions, the Secretary of Defense may accept military construction projects for the installations or locations in the Republic of Korea, and in the amounts, set forth in the following table:

### Republic of Korea Funded Construction Projects

<table>
<thead>
<tr>
<th>Component</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Army</td>
<td>Camp Humphreys</td>
<td>Unaccompanied Enlisted Personnel Housing</td>
<td>$52,000,000</td>
</tr>
<tr>
<td>Army</td>
<td>Camp Humphreys</td>
<td>Type I Aircraft Parking Apron and Parallel Taxiway</td>
<td>$48,000,000</td>
</tr>
<tr>
<td>Navy</td>
<td>Mijak</td>
<td>Expeditionary Dining Facility</td>
<td>$10,200,000</td>
</tr>
<tr>
<td>Air Force</td>
<td>Gimhae Air Base</td>
<td>Repair Contingency Hospital</td>
<td>$75,000,000</td>
</tr>
<tr>
<td>Air Force</td>
<td>Osan Air Base</td>
<td>Munitions Storage Area Move Delta (Phase 2)</td>
<td>$171,000,000</td>
</tr>
</tbody>
</table>

SEC. 2512. REPUBLIC OF POLAND PROVIDED INFRASTRUCTURE PROJECTS.

Pursuant to agreement with the Republic of Poland for required in-kind contributions, the Secretary of Defense may accept military construction projects for the installations or locations in the Republic of Poland, and in the amounts, set forth in the following table:

### Republic of Poland Provided Infrastructure Projects

<table>
<thead>
<tr>
<th>Component</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Army</td>
<td>Poznan</td>
<td>Command and Control Facility</td>
<td>$30,000,000</td>
</tr>
<tr>
<td>Army</td>
<td>Poznan</td>
<td>Information Systems Facility</td>
<td>$7,000,000</td>
</tr>
</tbody>
</table>
SEC. 2513. AUTHORIZATION TO ACCEPT CONTRIBUTIONS FROM THE REPUBLIC OF KOREA IN THE FORM OF AN IRREVOCABLE LETTER OF CREDIT.

In addition to any other authorized form of burden sharing contribution, the Secretary of Defense may accept contributions from the Republic of Korea, under authorities available to the Secretary, in the form of an irrevocable letter of credit issued by a financial institution acceptable to the Treasurer of the United States, for construction of the Black Hat Intelligence Fusion Center, Camp Humphreys, Republic of Korea, and for other military construction projects within the Republic of Korea.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations inside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Huntville Army National Guard</td>
<td>$17,000,000</td>
</tr>
<tr>
<td>Connecticut</td>
<td>Putnam</td>
<td>$17,500,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Fort Benning</td>
<td>$13,200,000</td>
</tr>
<tr>
<td>Idaho</td>
<td>Jerome</td>
<td>$15,000,000</td>
</tr>
<tr>
<td>Illinois</td>
<td>Bloomington</td>
<td>$15,000,000</td>
</tr>
<tr>
<td>Kansas</td>
<td>Topeka</td>
<td>$16,732,000</td>
</tr>
<tr>
<td>Louisiana</td>
<td>Lake Charles</td>
<td>$18,500,000</td>
</tr>
<tr>
<td>Maine</td>
<td>Saco</td>
<td>$21,200,000</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Camp Shelby</td>
<td>$15,500,000</td>
</tr>
<tr>
<td>Montana</td>
<td>Butte</td>
<td>$16,000,000</td>
</tr>
<tr>
<td>Nebraska</td>
<td>Mead Training Site</td>
<td>$11,000,000</td>
</tr>
<tr>
<td>North Dakota</td>
<td>Dickinson</td>
<td>$15,500,000</td>
</tr>
<tr>
<td>Vermont</td>
<td>Bennington</td>
<td>$16,900,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Troutville</td>
<td>$13,000,000</td>
</tr>
<tr>
<td></td>
<td>Sumpter Smith Air National Guard Base</td>
<td>$7,500,000</td>
</tr>
<tr>
<td></td>
<td>Bradley International Airport</td>
<td>$17,000,000</td>
</tr>
</tbody>
</table>

(b) OUTSIDE THE UNITED STATES.—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 location outside the United States, and in the amount, set forth in the following table:

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Guam</td>
<td>Barrigada</td>
<td>$34,000,000</td>
</tr>
</tbody>
</table>

SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve locations inside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Michigan</td>
<td>Southfield</td>
<td>$15,000,000</td>
</tr>
<tr>
<td>Ohio</td>
<td>Wright-Patterson Air Force Base</td>
<td>$19,000,000</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>Fort McCoy</td>
<td>$70,600,000</td>
</tr>
</tbody>
</table>

SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Marine Corps Reserve installations or locations inside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Michigan</td>
<td>Battle Creek</td>
<td>$49,090,000</td>
</tr>
<tr>
<td>Minnesota</td>
<td>Minneapolis Air Reserve Station</td>
<td>$14,350,000</td>
</tr>
</tbody>
</table>

SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard locations inside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Montgomery Regional Airport</td>
<td>$19,200,000</td>
</tr>
<tr>
<td>Connecticut</td>
<td>Sumpter Smith Air National Guard Base</td>
<td>$7,500,000</td>
</tr>
<tr>
<td></td>
<td>Bradley International Airport</td>
<td>$17,000,000</td>
</tr>
</tbody>
</table>
SEC. 2605. AUTHORIZED AIR FORCE RESERVE CLOSURE ACCOUNT. CLOSURE (BRAC) ROUND.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air Force Reserve locations inside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delaware</td>
<td>New Castle County Airport</td>
<td>$17,500,000</td>
</tr>
<tr>
<td>Idaho</td>
<td>Boise Air Terminal</td>
<td>$8,500,000</td>
</tr>
<tr>
<td>Illinois</td>
<td>Abraham Lincoln Capital Airport</td>
<td>$10,200,000</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>Barnes Municipal Airport</td>
<td>$12,200,000</td>
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<td>Mississippi</td>
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SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2021, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefore, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), as specified in the funding table in section 4601.

TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES

SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2021, 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; 120 Stat. 2140)), as specified in the funding table in section 4601.

SECTION 2805 (c) OF TITLE 10, UNITED STATES CODE, IS AMENDED—

(1) by redesigning subsections (c) and (d) as subsections (d) and (e), respectively; and

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

"(c) ALTERNATIVE FUNDING SOURCE.—(1) In addition to the authority under section 2805(c) of this title, in carrying out a military construction project for energy resilience, energy security, or energy conservation under this section, the Secretary concerned may use amounts available for operation and maintenance for the military department concerned if the Secretary concerned submits to the congressional defense committees a notification 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 deferring the project pending the availability of funds appropriated for or otherwise made available for military construction would be inconsistent with the timely assurance of energy resilience, energy security, or energy conservation for one or more critical national security functions.

"(2) A project carried out under this section using amounts under paragraph (1) may
be carried out only after the end of the seven-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 installation operation and maintenance in any fiscal year for projects under the authority of this subsection is $100,000,000.

SEC. 2811. Modification of calculation of military housing contractor pay for privatized military housing.

Section 606(a) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–222; 10 U.S.C. 2871 note) is amended—

(1) in paragraph (1)(B)—

(A) by striking “2.5 percent” and inserting “50 percent” and

(B) by striking “section 403(b)(3)(A)(i)” and inserting “section 403(b)(3)(A)(ii)”;

and

(2) in paragraph (2)(B)—

(A) by striking “2.5 percent” and inserting “50 percent”; and

(B) by striking “section 403(b)(3)(A)(i)” and inserting “section 403(b)(3)(A)(ii)”.

SEC. 2812. Clarification of prohibition against collection from tenants of privatized military housing units of amounts in addition to rent and application of existing law.

(a) Clarification of prohibition.—

(1) in general.—Section 2801(a)(e) of title 10, United States Code, is amended—

(A) by striking “the any” each place it appears and inserting “any”; and

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

“(3) Costs incurred to modify or upgrade a housing unit to comply with standards under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and facilitate occupancy of the housing unit by an individual with a disability (as defined in section 3 of such Act (42 U.S.C. 12102)) may not be considered a violation of section 2801(a)(1) or another exception to the prohibition in paragraph (1) against collection from tenants of housing units of amounts in addition to rent.”.

(2) Application.—The amendment made by paragraph (1)(B) shall apply to contracts described in section 2801(a)(1) of title 10, United States Code, entered into before the date of the enactment of this Act.

(b) Application of existing law.—Section 2801a of title 10, United States Code, is amended by adding at the end the following new subsection:

“(f) Application of existing law.—The Secretary shall ensure that, in carrying out subsections (c) and (d), the head of each housing management office of an installation and each landlord providing a housing unit, as the case may be, comply with the following:

“(1) Section 884 of the Fair Housing Act (42 U.S.C. 3604).


“(3) Title III of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

SEC. 2813. Modification of calculation of military housing contractor pay for privatized military housing.

SEC. 2814. Modification of requirements regarding windows and fall prevention devices at military family housing.

(a) Retrofitting of existing housing units.—

(1) in general.—On the date of the enactment of this Act, the Secretary of Defense shall begin retrofitting windows at all base housing units in existing military family housing units acquired or constructed under chapter 189 of title 10, United States Code, with full fall prevention devices. A window equipped with such devices pursuant to the program under subsection (b) of section 2879 of such title.

(2) Reporting.—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall submit to Congress a report that sets forth a plan to complete retrofitting or replacement of windows as described in subsection (a) by not later than one year after such date of enactment.

(b) Exclusion of window opening control devices as approved devices.—Section 2879(a)(3) of title 10, United States Code, is amended—

(1) by striking “or guard” and inserting “guard, or other passive barrier”; and

(2) by inserting before the period at the end of the following “, excluding a window opening control device.”

SEC. 2821. Land conveyance.

SEC. 2822. Land conveyance, Saint Joseph, Missouri.

(a) Conveyance Authorized.—

(1) Conveyance to land clearance for redevelopment authority of the city of St. Louis.—

(A) in general.—The Secretary of the Air Force (in this section referred to as the “Secretary”) may convey to the Land Clearance for Redevelopment Authority of the City of St. Louis (in this section referred to as the “Authority”), on behalf of the United States, all right, title, and interest of the United States in and to the parcel of land described in paragraph (2) for the purpose of redeveloping the Authority for land use of existing structures and the development of the site for commercial or industrial use.

(B) Historical property conditions.—The conveyance under subsection (a)(1) may include conditions, restrictions, or covenants related to the environmental condition of the property, which shall not affect the use of existing structures and the development of the site for commercial or industrial use.

(b) Determination of land use.—In determining the land use of the parcel of land described in this subsection, the Secretary shall consider the economic feasibility of the development consistent with public health and safety, including the public services required.

(c) Requirements of the Secretary.—The Secretary shall, in carrying out subsection (a), do all that is necessary to protect the interests of the United States.

(d) Title and conveyance.—In order to effectuate the requirements of this subsection, the Secretary may convey to the Authority, in place of the United States, the land comprised by the parcel of land described in this subsection, together with any improvements thereon as a quitclaim deed or other legal instrument on terms and conditions satisfactory to the Secretary, including such additional terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2823. Land conveyance to United States Army St. Louis, Missouri.

(a) Conveyance Authorized.—At such time as the United States Army St. Louis, Missouri, and includes all improvements to the land.

(b) Legal description.—The exact acreage and legal description of the property to be conveyed under paragraph (1) shall be determined by a survey satisfactory to the Secretary and the Authority.

(c) Terms of conveyance.—

(1) Instrument and conditions.—

(A) in general.—The terms of conveyance under subsection (a)(1) shall be accomplished using a quitclaim deed or other legal instrument and upon terms and conditions satisfactory to the Secretary, including such additional terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

(B) Environmental conditions.—The conveyance under subsection (a)(1) may include conditions, restrictions, or covenants related to the environmental condition of the property, which shall not affect the use of existing structures and the development of the site for commercial or industrial use.

(2) Conditions of conveyance.—

(A) the conveyance under subsection (a)(1) may include conditions, restrictions, or covenants related to the environmental condition of the property, which shall not affect the use of existing structures and the development of the site for commercial or industrial use.

(B) Historical property conditions.—The conveyance under subsection (a)(1) may include conditions, restrictions, or covenants related to the environmental condition of the property, which shall not affect the use of existing structures and the development of the site for commercial or industrial use.

(c) Conditions of conveyance.—

(1) The conveyance under subsection (a)(1) may include conditions, restrictions, or covenants related to the environmental condition of the property, which shall not affect the use of existing structures and the development of the site for commercial or industrial use.

(2) Conditions of conveyance.—

(A) the conveyance under subsection (a)(1) may include conditions, restrictions, or covenants related to the environmental condition of the property, which shall not affect the use of existing structures and the development of the site for commercial or industrial use.

(B) Historical property conditions.—The conveyance under subsection (a)(1) may include conditions, restrictions, or covenants related to the environmental condition of the property, which shall not affect the use of existing structures and the development of the site for commercial or industrial use.

(3) The conveyance under subsection (a)(1) may include conditions, restrictions, or covenants related to the environmental condition of the property, which shall not affect the use of existing structures and the development of the site for commercial or industrial use.

(d) Title and conveyance.—In order to effectuate the requirements of this subsection, the Secretary may convey to the Authority, in place of the United States, the land comprised by the parcel of land described in this subsection, together with any improvements thereon as a quitclaim deed or other legal instrument on terms and conditions satisfactory to the Secretary, including such additional terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2824. Land conveyance, Saint Joseph, Missouri.

(a) Conveyance Authorized.—The parcel of land described in this subsection is located in St. Louis, Missouri, and includes all improvements to the land.

(b) Legal description.—The exact acreage and legal description of the property to be conveyed under paragraph (1) shall be determined by a survey satisfactory to the Secretary and the Authority.

(c) Terms of conveyance.—

(1) Instrument and conditions.—

(A) in general.—The terms of conveyance under subsection (a)(1) shall be accomplished using a quitclaim deed or other legal instrument and upon terms and conditions satisfactory to the Secretary, including such additional terms and conditions as the Secretary considers appropriate to protect the interests of the United States.
the Rosecrans Air National Guard Base in Saint Joseph, Missouri, for the purpose of removing the property from the boundaries of the Rosecrans Air National Guard Base and accomplishment of environmental and navigational needs of the Rosecrans Memorial Airport as well as the development of the parcels and economic development associated with the conveyance under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions, with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2823. LAND CONVEYANCE MARINE CORPS AIR STATION, CHERRY POINT, NORTH CAROLINA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy (in this section referred to as the ‘‘Secretary’’) may convey to the City of Havelock, North Carolina (in this section referred to as the ‘‘City’’), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, in the vicinity of the former Fort Macon Housing Area, located within the City limits.

(b) PAYMENT.—Until such time as the real property described in subsection (a) is conveyed to the City, the Secretary may lease the property to the City for 20 years.

(c) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the conveyance under subsection (a) and interim lease under subsection (b), the City shall pay to the Secretary an amount that is not less than the fair market value of the property conveyed, as determined by the Secretary, whether by cash payment, in-kind consideration as described in paragraph (2), or a combination thereof.

(2) IN-KIND CONSIDERATION.—In-kind consideration provided under paragraph (1) shall include construction, provision, improvement, maintenance, repair, or restoration (including environmental restoration), of any facilities or infrastructure, or delivery of services relating to the needs of Marine Corps Air Station Cherry Point, North Carolina, that the Secretary considers acceptable.

(3) DISPOSITION OF AMOUNTS.—

(A) CONVEYANCE.—Amounts received by the Secretary in exchange for the fee title of the real property described in subsection (a) shall be deposited in the special account in the Treasury established under section 572(b)(5) of title 40, United States Code, and shall be available in accordance with paragraphs (2)(B)(ii) of such section.

(B) INTERIM LEASE.—Amounts received by the Secretary in exchange for the interim lease of the real property described in subsection (a) shall be deposited in the special account established for the City of Havelock, North Carolina (in this section referred to as the ‘‘City’’), all right, title, and interest of the United States in and to a parcel of real property located at 4200 C Avenue, Virginia Beach, Virginia, including any improvements thereon, consisting of approximately 8 acres.

(d) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary may require the City to cover all costs incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and any other administrative costs related to the conveyance. If amounts paid by the City to the Secretary in advance cover costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the City.

(2) AMOUNTS RECEIVED.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out the conveyance, or to an appropriate fund or account established by the Secretary for the purposes for which the costs were paid. Amounts so credited shall be merged with amounts in such fund or account and shall be subject to the same conditions and limitations, as amounts in such fund or account.

(e) CONDITION OF CONVEYANCE.—Conveyance of real property shall be subject to all existing easements, restrictions, and covenants of record and conditioned upon the following:

(1) Real property shall be used for municipal park and recreational purposes, which may include ancillary uses such as vendor and restroom.

(2) The City shall not use Federal funds to cover any portion of the amounts required by subsections (c) and (d) to be paid by the City.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(g) EXCLUSION OF REQUIREMENTS FOR PRIOR SALES.—The Secretary, by General Services Administration for Additional Federal Use.—Section 2696(b) of title 10, United States Code, does not apply to the conveyance of real property authorized under subsection (a).

(h) ADDITIONAL TERMS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2824. LAND CONVEYANCE NAVAL AIR STATION OCEANA, VIRGINIA BEACH, VIRGINIA.

(a) CONVEYANCE AUTHORIZED.—

(1) IN GENERAL.—The Secretary of the Navy (in this section referred to as the ‘‘Secretary’’) may convey to the City of Virginia Beach, Virginia (in this section referred to as the ‘‘City’’), all right, title, and interest of the United States in and to a parcel of real property located at 4200 C Avenue, Virginia Beach, Virginia, including any improvements thereon, consisting of approximately 8 acres.

(b) PAYMENT.—

(1) IN GENERAL.—The Secretary shall require the City to cover costs to be incurred by the Secretary or to reimburse the Secretary for costs incurred by the Secretary to carry out the conveyance under subsection (a)(1), including costs related to environmental and real estate due diligence, and any other administrative costs related to the conveyance.

(2) AMOUNTS RECEIVED.—If amounts are collected from the City under paragraphs (1)(a) and (b), the City shall pay to the Secretary the conveyance costs incurred by the Secretary to carry out the conveyance under subsection (a)(1), including costs related to environmental and real estate due diligence, and any other administrative costs related to the conveyance.

(3) DISPOSITION OF FUNDS.—Cash received in exchange for the fee title of the property conveyed, as determined by the Secretary, whether by cash payment, in-kind consideration as described in paragraph (2), or a combination thereof.

(d) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the City to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary to carry out the conveyance under subsection (a), including costs related to environmental and real estate due diligence, and any other administrative costs related to the conveyance.

(2) AMOUNTS RECEIVED.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out the conveyance, or to an appropriate fund or account established by the Secretary for the purposes for which the costs were paid. Amounts so credited shall be merged with amounts in such fund or account and shall be subject to the same conditions and limitations, as amounts in such fund or account.

(e) CONDITION OF CONVEYANCE.—Conveyance of real property shall be subject to all existing easements, restrictions, and covenants of record and conditioned upon the following:

(1) Real property shall be used for municipal park and recreational purposes, which may include ancillary uses such as vendor and restroom.

(2) The City shall not use Federal funds to cover any portion of the amounts required by subsections (c) and (d) to be paid by the City.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(g) EXCLUSION OF REQUIREMENTS FOR PRIOR SALES.—The Secretary, by General Services Administration for Additional Federal Use.—Section 2696(b) of title 10, United States Code, does not apply to the conveyance of real property authorized under subsection (a).

(h) ADDITIONAL TERMS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.
advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance under subsection (a)(1), the Secretary shall refund the excess amount to the City.

(3) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the reimbursement account that was used to cover the costs incurred by the Secretary in carrying out the conveyance under subsection (a)(1). 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.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcel of property to be conveyed under subsection (a)(1) shall be determined by a survey satisfactory to the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a)(1) as the Secretary considers appropriate to protect the interests of the United States.

Subtitle D—Other Matters

SEC. 2831. CONSIDERATION OF PUBLIC EDUCATION WHEN MAKING Basing Decisions.

(a) IN GENERAL.—Section 2833 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–260) 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) EDUCATION.—With regard to the military housing area in which an installation is located, the United States shall have direct oversight over the remaining 50 percent of the military department and installation; and (B) conforming APPORTIONMENT.—Subsection (a) of such section is amended by striking "subsection (e)" and inserting "subsection (f)".

SEC. 2832. DESIGNATION OF FACILITY AT ROCK ISLAND ARSENAL, ILLINOIS.

The Secretary of the Army shall designate a facility located at Rock Island Arsenal, Illinois, to be named after Charles Carroll Smith, in recognition of his significant public service contributions.

SEC. 2833. PROPRIETOR OF SECURITY OF LODGING AND LIVING SPACES ON MILITARY INSTALLATIONS.

(a) ASSESSMENT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall conduct an assessment of all on-base dormitories and barracks at all military installations for purposes of identifying—

(1) locking mechanisms on points of entry into the main facility, including doors and windows, to prevent doors loading into private sleeping areas that require replacing or repairing;

(2) areas, such as exterior sidewalks, entry points to and other public areas where closed-circuit television security cameras should be installed; and

(3) other passive security measures, such as additional lighting, that may be necessary to prevent crime, including sexual assault.

(b) EMERGENCY REPAIRS.—The Secretary shall make available funds to purchase locks or other safety mechanisms discovered during the assessment conducted under subsection (a) not later than 30 days after discovering the need.

(c) REPORT.—(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of the Army shall jointly transmit a report to the congressional defense committees on the results of the assessment conducted under subsection (a).

(2) ELEMENTS.—The report under paragraph (1) shall include—

(A) a cost estimate to make any improvements recommended pursuant to the assessment conducted under subsection (a), disaggregated by facility, military department and installation; and

(B) an estimated schedule for making such improvements.

SEC. 2834. EXPANSION OF AUTHORITY OF SECRETARY OF THE NAVY TO LEASE AND LICENSE NAVY MUSEUM FACILITIES TO GENERATE REVENUE TO SUPPORT MUSEUM ADMINISTRATION AND OPERATIONS.

(a) INCLUSION OF ALL NAVY MUSEUMS.—Section 2832 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3530) is amended—

(1) in subsection (a)—

(A) by striking ‘‘the United States Navy Museum’’ and inserting ‘‘the National Navy Museum;’’

(B) by striking ‘‘the Foundation’’ and inserting ‘‘the Navy Museum;’’ and

(C) by striking the United States Navy Museum’’ both places it appears and inserting ‘‘the Navy museum’’;

(2) in subsection (b), by striking the United States Navy Museum; and

(C) by striking ‘‘the National Navy Museum’’ and inserting ‘‘the Navy museum of which the facility is a part;’’

(3) in subsection (c), by striking the Naval Historical Foundation any portion of the facilities of that Navy museum; and

(4) in subsection (d)—

(A) by striking ‘‘the United States Navy Museum’’ and inserting ‘‘the applicable Navy museum;’’ and

(B) by striking ‘‘the Museum’’ and inserting ‘‘the museum’’.

SEC. 2835. PILOT PROGRAM ON ESTABLISHMENT OF A REIMBURSABLE ACCOUNT FOR THE PURPOSES OF NEW PLANT PROJECTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2023 for the activities of the National Nuclear Security Administration in carrying out programs as specified in the funding table in section 4701.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out new plant projects, the Secretary of Energy may carry out new plant projects as specified in the National Nuclear Security Administration as follows:

(1) Project 22–D–513 Power Sources Capability, Sandia National Laboratories, Albuquerque, New Mexico, $8,000,000.

(2) Project 22–D–514 Digital Infrastructure Capability Expansion, Lawrence Livermore National Laboratory, Livermore, California, $8,000,000.

(3) Project 22–D–531 Chemistry and Radiological Health Building, Knolls Atomic Power Laboratory, Niskayuna, New York, $1,620,000.

(4) Project 22–D–532 Security Upgrades, Knolls Atomic Power Laboratory, Niskayuna, New York, $5,100,000.

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION AND OTHER AUTHORIZATIONS.

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS AND OTHER AUTHORIZATIONS

Subtitle A—National Security Programs and Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION AND OTHER AUTHORIZATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2022 for defense environmental cleanup activities, the following new plant projects, the Secretary of Energy may carry out for defense environmental cleanup activities, the following new plant projects:

(1) Project 22–D–401, L–888, 400 Area Fire Station, Hanford Site, Richland, Washington, $15,200,000.
Project 22-D-402, L-897, 200 Area Water Treatment Facility, Hanford Site, Richland, Washington, $12,800,000.

Project 22-D-403, Spent Nuclear Fuel Staging Facility, the Incremental National Laboratory, Idaho Falls, Idaho, $3,000,000.

Project 22-D-404, Additional Idaho CERCLA Disposal Facility Landfill Disposal Cell and Expanded Temporary Ponds Project, Idaho National Laboratory, Idaho Falls, Idaho, $5,000,000.

SEC. 3104. NUCLEAR ENERGY.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2022 for other defense activities in carrying out programs as specified in the funding table in section 4701.

Subtitle B—Nuclear Weapons Stockpile Matters

SEC. 3111. PORTFOLIO MANAGEMENT FRAMEWORK FOR NATIONAL SECURITY ADMINISTRATION.

(a) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Administrator for Nuclear Security shall—

(1) in consultation with the Nuclear Weapons Council established under section 179 of title 10, United States Code, develop and implement a portfolio management framework for the nuclear security enterprise that—

(A) defines the National Nuclear Security Administration’s portfolio of nuclear weapons stockpile and infrastructure maintenance and modernization programs;

(B) consolidates, consolidates, and prioritizes, and performance measurements;

(C) outlines the approach of the National Nuclear Security Administration to managing that portfolio; and

(D) incorporates the leading practices identified by the Government Accountability Office in its report entitled “Nuclear Security Enterprise: NNSA Should Use Portfolio Management Leading Practices to Support Modernization Efforts” (GAO-21-396) and dated June 2021; and

(2) complete an integrated, comprehensive assessment of the portfolio management capability of the National Nuclear Security Administration.

(b) BRIEFING REQUIRED.—Not later than June 1, 2022, the Administrator shall provide to the congressional defense committees a briefing on—

(1) the progress of the Administrator in developing the framework described in paragraph (1) of subsection (a) and completing the assessment required by paragraph (2) of that subsection; and

(2) the plans of the Administrator for implementing the recommendations of the Government Accountability Office in the report referred to in paragraph (1)(D).

(c) NUCLEAR SECURITY ENTERPRISE DEFINED.—In this section, the term “nuclear security enterprise” means—

(A) the National Nuclear Security Administration; and

(B) any other entity that provides for the management and maintenance of the nuclear weapons stockpile.

Subtitle C—Defense Environmental Cleanup Matters

PART I—ENVIRONMENTAL MANAGEMENT LIABILITY, RISK REDUCTION, AND TECHNOLOGY DEVELOPMENT

SEC. 3121. DEFINITIONS.

In this part:

(1) COMPLEX.—The term “complex” means all sites managed in whole or in part by the Office.

(2) DEPARTMENT.—The term “Department” means the Department of Energy.

(3) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” has the meaning given in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001).

(4) MISSION.—The term “mission” means the mission of the Office.

(5) NATIONAL LABORATORY.—The term “National Laboratory” has the meaning given in the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(6) OFFICE.—The term “Office” means the Office of Environmental Management of the Department.

(7) SECRETARY.—The term “Secretary” means the Secretary, acting through the Assistant Secretary for Environmental Management.

SEC. 3122. INDEPENDENT ASSESSMENT AND MANAGEMENT OF DEFENSE ENVIRONMENTAL CLEANUP PROGRAMS.

(a) INDEPENDENT ASSESSMENT.—

In general.—The Secretary shall obtain from the Corps of Engineers an independent assessment of the lifecycle costs and schedules of the defense environmental cleanup programs.

(2) USE OF NEW AND EMERGING TECHNOLOGIES.—The Secretary shall use an assessment under paragraph (1) to identify the potential benefits and risks of new and emerging technologies under the program.

(b) USE OF NEW AND EMERGING TECHNOLOGIES.—The Secretary shall use an assessment under paragraph (1) to identify the potential benefits and risks of new and emerging technologies under the program.

SEC. 3123. INCREMENTAL TECHNOLOGY DEVELOPMENT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a program, to be known as the “Incremental Technology Development Program” (in this section referred to as “program”), to improve the efficiency and effectiveness of the defense environmental cleanup programs.

(2) USE OF NEW AND EMERGING TECHNOLOGIES.—The Secretary shall use an assessment under paragraph (1) to identify the potential benefits and risks of new and emerging technologies under the program.

(b) USE OF NEW AND EMERGING TECHNOLOGIES.—The Secretary shall use an assessment under paragraph (1) to identify the potential benefits and risks of new and emerging technologies under the program.

(c) USE OF NEW AND EMERGING TECHNOLOGIES.—The Secretary shall use an assessment under paragraph (1) to identify the potential benefits and risks of new and emerging technologies under the program.
(d) AGREEMENTS TO CARRY OUT PROJECTS.—

(1) IN GENERAL.—In carrying out the program, the Secretary may enter into agreements for technology development, demonstration, and deployment projects to improve technologies in accordance with subsection (b).

(2) SELECTION.—The Secretary shall select projects under paragraph (1) through a rigorous process that involves—

(A) transparent and open competition; and

(B) an independent peer review process described in subsection (d).

(3) PEER REVIEW PROCESS.—

(A) IN GENERAL.—Each technology development, demonstration, and deployment project under consideration for selection under paragraph (2) shall undergo an independent peer review process by a panel of not fewer than 3 peer reviewers selected in accordance with subparagraph (C), who shall evaluate the project in accordance with the criteria described in subparagraph (B), with the goal of maximizing—

(i) returns on the research and development expenditures of the Office; and

(ii) the return on investment of funds made available under the program.

(B) CRITERIA.—The criteria for peer review under subparagraph (A), with respect to each project, including any technology to be developed, demonstrated, or deployed by the project, shall include an evaluation of—

(i) mission relevancy;

(ii) scientific and technical validity;

(iii) ability to meet an existing mission void;

(iv) superiority to alternatives;

(v) cost effectiveness;

(vi) ability to reduce risk;

(vii) regulatory compliance;

(viii) public acceptance; and

(ix) other relevant factors.

(C) PEER REVIEWERS.—

(I) IN GENERAL.—A peer reviewer for a project under subparagraph (A) shall be selected—

(i) through a systematic approach to accessing peer reviewer information that ensures the appropriate range of expertise for the peer review panel; and

(ii) from among—

(aa) contractors of the Department;

(bb) the National Laboratories;

(cc) relevant professional societies;

(dd) institutions of higher education; and

(ee) members of relevant professional societies.

(II) MINIMIZATION OF DOE PARTICIPATION.—

To the maximum extent practicable, the peer reviewer selection process under clause (i) shall minimize the participation of employees of the Department as peer reviewers.

(iii) MINIMIZATION OF CONFLICTS OF INTEREST.—A peer reviewer selected under clause (i) to review the project may not be affiliated with the project being reviewed or the entity that would carry out that project.

(iv) DETERMINATION.—Each panel of peer reviewers shall review a project under subparagraph (A) shall be selected—

(A) transparent and open competition; and

(B) an independent peer review process described in paragraph (2).

(v) PEER REVIEW PROCESS.—

(A) IN GENERAL.—Each project under consideration for selection under paragraph (1) shall undergo an independent peer review process by a panel of not fewer than 3 peer reviewers selected in accordance with subparagraph (B).

(B) PEER REVIEWERS.—

(I) IN GENERAL.—A peer reviewer for a project under paragraph (A) shall be selected—

through a systematic approach to accessing peer reviewer information that ensures the appropriate range of expertise for the peer review panel; and

(II) from—

(aa) a relevant database, such as a database of chemical engineers, geologists, physicists, materials scientists, or biologists; or

(bb) from among members of relevant professional societies.

(II) MINIMIZATION OF DOE PARTICIPATION.—

To the maximum extent practicable, the peer reviewer selection process under clause (i) shall minimize the participation of employees of the Department as peer reviewers.

(iii) MINIMIZATION OF CONFLICTS OF INTEREST.—A peer reviewer selected under clause (i) to review a project may not be affiliated with the project being reviewed or the entity that would carry out that project.

(iv) DETERMINATION.—Each panel of peer reviewers shall review a project under subparagraph (A)—

(A) using a process of regular review and staged decision making that is comparable to other peer review programs; and

(B) with rigorous attention to—

(i) the collection of activity; and

(ii) the achievement of performance metrics.

(v) COST-SHARING.—The Federal share of the costs of the development, demonstration, testing, permitting, and deployment of new technology shall not be more than 70 percent of the costs incurred by the successful project.

SEC. 3124. HIGH-IMPACT TECHNOLOGY DEVELOPMENT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a program, to be known as the “High-Impact Technology Development Program” (in this section referred to as the “program”), under which the Secretary shall enter into agreements for projects that pursue technologies that, with respect to the technologies—

(I) holistically address difficult challenges;

(II) hold the promise of breakthrough improvements; or

(III) aligning or in-use technologies with difficult challenges.

(b) WORKSHOP.—The Secretary shall commence the program with a workshop to identify, with respect to the technologies developed pursuant to the program—

(I) the challenges that need to be addressed; and

(II) how—

(A) to maximize the impact of existing resources of the Office; and

(B) to ensure that the technology development targets challenges across the complex.

(c) AREAS OF FOCUS.—Areas of focus of a project carried out under this section may include—

(1) developing and demonstrating improved methods for source and plume characterization and monitoring, with an emphasis on—

(A) real-time field acquisition; and

(B) the use of indicator species analyses with advanced transport models to enable better understanding of contaminant migration;

(2) demonstrating the technical basis for remediation technologies and integrated remedial systems that prevent migration of contaminants, including by producing validated guidance and design manuals for technologies that could be widely used across the complex;

(3) developing advanced monitoring approaches that measure multiple lines of evidence for monitoring long-term performance of—

(A) remediation systems; and

(B) noninvasive near-field monitoring techniques;

(4) developing and demonstrating methods to characterize the physical and chemical attributes of waste that control behavior, with an emphasis on—

(A) rapid and nondestructive examination and assay techniques; and

(B) methods to determine radio-nuclide, heavy metals, and organic constituents;

(5) demonstrating the technical basis for determining when enhanced or natural attenuation is an appropriate approach for remediation of—

(A) remediation systems; and

(B) noninvasive near-field monitoring techniques;

(6) developing and demonstrating innovative methods to achieve real-time and, if practicable, in situ characterization data for tank waste and tank systems that could be useful for all phases of the waste management program, including improving the accuracy and representativeness of characterization data for residual waste in tanks and ancillary equipment;

(7) adapting existing waste treatment technologies or demonstrating new waste treatment technologies (in this case using real wastes or realistic surrogates) for—

(A) address engineering adaptations; and

(B) to ensure compliance with waste treatment standards and other applicable requirements under Federal and State law and any existing agreements or consent decrees to which the Department is a party; and

(C) to enable safe deployment at full-scale and in support of operations;

(8) developing and demonstrating rapid testing protocols that—

(A) are used by the Environmental Protection Agency, the Nuclear Regulatory Commission, the Department, and the scientific community;

(B) can be used to measure long-term waste form performance under realistic disposal environments;

(C) can determine whether a stabilized waste is suitable for disposal; and

(D) reduce the need for extensive, time-consuming, and costly analyses on every batch of waste prior to disposal; and

(9) developing and demonstrating direct stabilization technologies to provide waste forms for disposing of elemental mercury; and

(10) developing and demonstrating innovative and effective retrieval methods for removal of waste residual materials from tank waste and ancillary equipment including mobile retrieval equipment or methods capable of immediately removing waste from leaking tanks, and connecting pipelines.

(d) PROJECT SELECTION.—

(1) SELECTION.—The Secretary shall select projects to be carried out under the program through a rigorous process that involves—

(A) transparent and open competition; and

(B) an independent peer review process described in paragraph (2).

(2) PEER REVIEW PROCESS.—

(A) IN GENERAL.—Each project under consideration for selection under paragraph (1) shall undergo an independent peer review process by a panel of not fewer than 3 peer reviewers selected in accordance with subparagraph (B).

(B) PEER REVIEWERS.—

(I) IN GENERAL.—A peer reviewer for a project under subparagraph (A) shall be selected—

through a systematic approach to accessing peer reviewer information that ensures the appropriate range of expertise for the peer review panel; and

(II) from—

(aa) a relevant database, such as a database of chemical engineers, geologists, physicists, materials scientists, or biologists; or

(bb) from among members of relevant professional societies.

(II) MINIMIZATION OF DOE PARTICIPATION.—

To the maximum extent practicable, the peer reviewer selection process under clause (i) shall minimize the participation of employees of the Department as peer reviewers.

(iii) MINIMIZATION OF CONFLICTS OF INTEREST.—A peer reviewer selected under clause (i) to review a project may not be affiliated with the project being reviewed or the entity that would carry out that project.

(iv) DETERMINATION.—Each panel of peer reviewers shall review a project under subparagraph (A)—

(A) using a process of regular review and staged decision making that is comparable to other peer review programs; and

(B) with rigorous attention to—

(i) the collection of activity; and

(ii) the achievement of performance metrics.

SEC. 3125. ENVIRONMENTAL MANAGEMENT UNIVERSITY PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a program, to be known as the “Environmental Management University Program” (in this section referred to as the “program”)—

(1) to engage faculty, post-doctoral fellows or researchers, and graduate students of institutions of higher education on subjects relating to the mission to show a clear path for students for employment with the Department or contractors of the Department;

(2) to provide to institutions of higher education—

(A) a source of new ideas; and

(B) access to advances in engineering and scientific research; and

(3) to clearly identify to institutions of higher education the tools necessary to enter into the environmental management field professionally; and

(4) to encourage current employees of the Department to pursue advanced degrees.
PART II—OTHER MATTERS

SEC. 3131. COMPREHENSIVE STRATEGY FOR TREATING, STORING, AND DISPOSING OF NUCLEAR WASTE RESULTING FROM STOCKPILE MAINTENANCE AND MODERNIZATION ACTIVITIES.

(a) IN GENERAL.—Not later than one year after the date of the enactment of the National Nuclear Security Authorization Act for Fiscal Year 2022, the Administrator for Nuclear Security shall submit to the congressional defense committees an integrated strategy for the treatment, storage, and disposal of defense nuclear waste generated as a result of stockpile maintenance and modernization activities during the periods of five and ten fiscal years after the submission of the strategy, with a long-term outlook for the period of 25 fiscal years after such submission.

(b) USE OF PROJECT ENGINEERING AND DESIGN FUNDS.—In the case of a project the total estimated cost of which exceeds $500,000,000 and that has not reached critical decision 1 in the acquisition process, the Administrator may use funds authorized by a DOE national security authorization for project engineering and design to begin the development of a cost estimate for the project during the analysis of alternatives for the project if—

(1) the Administrator—

(A) determines that such use of funds would improve the quality of the cost estimate for the project; and

(B) notifies the congressional defense committees of that determination; and

(2) a period of 15 days has elapsed after the date on which such notification is received.

(b) CEREBRAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act (50 U.S.C. 2741 et seq.) is amended by adding at the end the following new section:

SEC. 4718. IMPROVEMENTS TO COST ESTIMATES INTEGRATING ANALYSES OF ALTERNATIVES.

(a) REQUIREMENT FOR ANALYSES OF ALTERNATIVES.—The Administrator shall ensure that any cost estimate used in an analysis of alternatives for a project carried out using funds authorized by a DOE national security authorization is designed to fully satisfy the requirements outlined in the mission needs statement approved at critical decision 0 in the acquisition process, as set forth in Department of Energy Order 413.3B (relating to program management and project management for the acquisition of capital assets) or a successor order.

(1) in subsection (b)—

(A) by adding after paragraph (1), as so redesignated, by inserting “from the contractor'' and inserting “encumbered’’; and

(B) in subparagraph (H), by striking “uncommitted” and inserting “unencumbered’’;

(2) in subsection (c)—

(A) by striking paragraphs (1) and (3); and

(B) by redesignating paragraphs (2) and (4) as paragraphs (1) and (3), respectively;

(C) in paragraph (1), as redesignated by subparagraph (B), by striking “by the contractor’’ and inserting “from the contractor’’;

(D) by inserting after paragraph (1), as so redesignated, the following new paragraph (2):

(2) ENUNCERUMBERED.—The term ‘‘enuncerumbered’’, with respect to funds, means the funds have been obligated to a contract and are being held for a specific known purpose by the contractor.

(E) in paragraph (3), as so redesignated, by striking “by the contractor’’ and inserting “from the contractor’’; and

(F) by inserting after paragraph (3), as so redesignated, the following new paragraph (4):

(4) Unenuncerumbered.—The term ‘‘unenuncerumbered’’, with respect to funds, means the funds have not been obligated to a contract and are not being held for a specific known purpose by the contractor.

Subtitle E—Other Matters

SEC. 3151. EXTENSION OF AUTHORITY FOR APPOINTMENT OF CERTAIN SCIENTIFIC, ENGINEERING, AND TECHNICAL PERSONNEL.

Section 4601(c)(1) of the Atomic Energy Defense Act (50 U.S.C. 2701(c)(1)) is amended by striking “September 30, 2021” and inserting “September 30, 2026.”

SEC. 3152. EXTENSION OF ENHANCED PROCUREMENT AUTHORITY TO MANAGE SUPPLY CHAIN RISK.

Section 4805(g) of the Atomic Energy Defense Act (50 U.S.C. 2706) is amended by striking “June 30, 2023” and inserting “December 31, 2028.”
SEC. 3153. EXTENSION OF AUTHORITY FOR ACQUISITION OF ADVANCED COMPUTING CAPABILITIES BY NAVAL RESEARCH LABORATORY.

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

(1) the Advanced Simulation and Computing Program of the National Nuclear Security Administration is an essential element of the Stockpile Stewardship Program; and

(2) developing the next generation of exascale high-performance computers to conduct assessments of weapons systems and next-generation weapons design is in the national security interests of the United States.

(b) Report requirement.—

(1) In general.—Not later than 2 years after the date of the enactment of this Act, the Administrator for Nuclear Security shall submit to the congressional defense committees a report on high-performance computing capabilities by the Administration during the 10-year period following submission of the roadmap, including computational performance and other requirements, as appropriate.

(2) Certification.—Not later than March 25, 2018, the United States should fund the development of an advanced naval nuclear fuel system based on low-enriched uranium, not more than 30 percent by weight of enriched uranium can be produced that would not reduce vessel capability, increase expenses, or reduce reliability as a result of refueling requirements.

(b) Report requirement.—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 high-performance computing capabilities by the Administration during the 10-year period following submission of the roadmap, including computational performance and other requirements, as appropriate.

(c) Certification.—Not later than March 25, 2018, the United States should fund the development of an advanced naval nuclear fuel system based on low-enriched uranium, not more than 30 percent by weight of enriched uranium can be produced that would not reduce vessel capability, increase expenses, or reduce reliability as a result of refueling requirements.

SEC. 3154. AFFIRMATIVE ACTION PROGRAM FOR DIVERSITY OF EMPLOYEES OF THE NATIONAL NUCLEAR SECURITY ADMINISTRATION.

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

(1) the Administrator for Nuclear Security shall annually thereafter through 2025, reduce the backlog of deferred maintenance and repair needs of the nuclear security enterprise by not less than 30 percent by December 31, 2023; and

(2) in paragraph (1), the Administrator shall—

(A) consult with the Secretary of Energy; and

(B) take into consideration the findings of the review of the future of computing beyond exascale computing conducted by the National Science and Technology Council.
“(f) 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.

“(g) 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.

“(j) 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.

“(k) 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 expenses;

“(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.”

SEC. 40101. PROCUREMENT.

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, 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 2304 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 1502 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 xI.—PROCUREMENT

SEC. 40101. PROCUREMENT.

Line Item FY 2022 Senate Request Authorized

3 FUTURE UAS FAMILY

Army UFR—Replace Shadow UAS in 8 BCTs

0 73,000

4 SMALL UNMANNED AIRCRAFT SYSTEM

16,005 16,005

7 AH-64 APACHE BLOCK IIIA REMAN

504,136 504,136

8 AH-64 APACHE BLOCK IIIA REMAN

192,230 192,230

10 UH-60 BLACKHAWK M MODEL (MYP)

630,263 630,263

11 UH-60 BLACKHAWK M MODEL (MYP)

146,068 146,068

12 UH-60 BLACKHAWK L AND V MODEL (MYP)

166,203 166,203

13 CH-47 HELICOPTER

145,218 397,218

Army UFR—Support minimum sustainment rate

14 CH-47 HELICOPTER

18,559 18,559

17 GRAY EAGLE MODS2

3,143 3,143

18 MULTI SENSOR ABN RECON

127,665 127,665

19 AH-64 MODS

118,560 118,560

20 CH-47 CARGO HELICOPTER MODS (MYP)

9,918 12,918

21 GHCNS SEMA MODS

2,762 2,762

22 ARH SEMA MODS

9,437 9,437

23 CMARKS SEMA MODS

1,568 1,568

24 UTILITY/CARGO AIRPLANE MODS

8,530 8,530

25 UTILITY HELICOPTER MODS

15,826 15,826

26 NETWORK AND MISSION PLAN

29,206 29,206

27 GOMMS, NAV SURVEILLANCE

58,117 59,117

28 AVIATION ASSURED PNT

47,028 47,028

29 GATM ROLLUP

16,776 16,776

32 UAS MODS

3,840 3,840

33 AIRCRAFT SURVIVABILITY EQUIPMENT

64,561 64,561

34 SURVIVABILITY CM

5,104 5,104
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**SUPPORT EQUIPMENT & FACILITIES**

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**AIR DEFENSE TARGETS**

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**WEAPONS & OTHER COMBAT VEHICLES**

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<td><strong>4,533,925</strong></td>
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**CONGRESSIONAL RECORD — SENATE**

**SEC. 4101. PROCUREMENT (In Thousands of Dollars)**

**SUPPORT EQUIPMENT & FACILITIES**

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**PROCUREMENT OF AMMUNITION, ARMY**

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**TOTAL PROCUREMENT OF AMMUNITION, ARMY**

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**AIRCRAFT PROCUREMENT, NAVY**

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### SEC. 4101. PROCUREMENT

**Title:** Research, Development, Test, and Evaluation

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**TOTAL PROCUREMENT**

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### SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

**Title:** Research, Development, Test, and Evaluation

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**CONGRESSIONAL RECORD — SENATE**

November 19, 2021

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**

(In Thousands of Dollars)
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**SYSTEM DEVELOPMENT & DEMONSTRATION**

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**MANAGEMENT SUPPORT**

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**OPERATIONAL SYSTEMS DEVELOPMENT**

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**SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT** 1,380,248 1,490,208

**SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS**

237 0608041A  DEFENSIVE CYBER—SOFTWARE PROTOTYPE DEVELOPMENT 118,811 118,811

**SUBTOTAL SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS** 118,811 118,811

**TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY** 12,799,645 13,105,849

**RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY BASIC RESEARCH**

1 0601103N  UNIVERSITY RESEARCH INITIATIVES 117,448 156,448

2 0601104N  High-performance computation and data equipment [3,000]

3 0601105N  Research, research programs [30,000]

**DEFENSE RESEARCH SCIENCES**

4 0601153N  486,421 486,421

**SUBTOTAL BASIC RESEARCH** 601,869 654,869

**APPLIED RESEARCH**

4 0602114N  POWER PROJECTION APPLIED RESEARCH 23,013 26,013

5 0602123N  Graphene electro-active metamaterials [3,000]

6 0602127N  Relative positioning of autonomous platforms [3,000]

7 0602131M  Resilient Innovative Sustainable Economies via University Partnerships (RISE-UP) [2,000]

8 0602235N  COMMON PICTURE APPLIED RESEARCH 51,112 51,112

9 0602236N  WARRIORS SUSTAINMENT APPLIED RESEARCH 70,547 70,047

9 0602237N  Anti-corrosion nanotechnologies [3,000]

10 0602238N  HUMANOID ROBOTICS RESEARCH [2,500]

11 0602239N  ELECTROMAGNETIC SYSTEMS APPLIED RESEARCH 85,157 85,157

12 0602243N  OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH 70,086 70,086

13 0602251M  JOINT NON-LETHAL WEAPONS APPLIED RESEARCH 6,405 6,405

14 0602274N  UNDERSEA WARFARE APPLIED RESEARCH 57,484 57,484

15 0602276N  Undersea vehicle research academic partnerships [12,000]

16 0602278N  Undersea warfare applied research [10,000]

17 0602281N  FUTURE NAVAL CAPABILITIES APPLIED RESEARCH 173,356 173,356

18 0602282N  MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH 32,160 32,160

19 0602285N  INNOVATIVE NAVAL PROTOTYPES (INP) APPLIED RESEARCH 152,976 152,976

20 0602286N  SCIENCE AND TECHNOLOGY MANAGEMENT—ONR FIELD ACTIVITIES 79,254 79,254

**SUBTOTAL APPLIED RESEARCH** 975,915 1,011,415

**ADVANCED TECHNOLOGY DEVELOPMENT**

17 0603120N  FORCE PROTECTION ADVANCED TECHNOLOGY 21,661 21,661

18 0603271N  ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLOGY 8,146 8,146

19 0603460N  USMC ADVANCED TECHNOLOGY DEMONSTRATION (ATD) SYSTEM [5,300]

20 060351M  Joint non-lethal weapons technology development [13,429]

21 0603537N  Navy warfighting experiments and demonstrations [47,167]

22 0603542N  INNOVATIVE NAVAL PROTOTYPES (INP) ADVANCED TECHNOLOGY DEVELOPMENT [133,779]

23 0603801N  Unmanned aerial systems [16,879]

**SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT** 777,788 778,088

**ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES**

27 0603126N  UNMANNED AERIAL SYSTEM 16,879 61,879
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**OPERATIONAL SYSTEMS DEVELOPMENT**

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**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**

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- **Authorized**
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**OPERATIONAL SYSTEMS DEVELOPMENT**

- **SPECIALIZED UNDERGRADUATE FLIGHT TRAINING** (FY 2022 Request: 5,509) 
- **WIDE AREA SURVEILLANCE** (FY 2022 Request: 2,760)
- **F-35 C/D2** (FY 2022 Request: 885,404)
- **Program increase** (FY 2022 Request: 20,000)
- **AF INTEGRATED PERSONNEL AND PAY SYSTEM (AF-IPPS)** (FY 2022 Request: 22,010)
- **ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY** (FY 2022 Request: 51,492)
- **FOREIGN MATERIAL ACQUISITION AND EXPLOITATION** (FY 2022 Request: 71,391)
- **Program reduction** (FY 2022 Request: -5,000)
- **AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM** (FY 2022 Request: 103,715)
- **Joint Air-To-Surface Standoff Missile (JASSM)** (FY 2022 Request: 117,325)
- **SMALL DIAMETER BOMB (SDB)** (FY 2022 Request: 27,109)
- **CONTROL AND REPORTING CENTER (CRC)** (FY 2022 Request: 9,875)
- **AIRCRAFT WARNING AND CONTROL SYSTEM (AWACS)** (FY 2022 Request: 171,014)
- **AFSPECWAR—TACP** (FY 2022 Request: 4,598)
- **COMBAT AIR INTELLIGENCE SYSTEM ACTIVITIES** (FY 2022 Request: 21,863)
- **ELECTRONIC WARFARE SYSTEMS MANAGEMENT (EWSM)** (FY 2022 Request: 7,965)
- **ELECTRONIC WARFARE INFORMATION MANAGEMENT (EWIM)** (FY 2022 Request: 15,000)
- **TACTICAL AIR CONTROL PARTY-MOD** (FY 2022 Request: 13,081)
- **DCAVES** (FY 2022 Request: 4,305)
- **AIR FORCE CALIBRATION PROGRAMS** (FY 2022 Request: 1,984)
- **AFS Comprehensive System (AFCS)** (FY 2022 Request: 7,924)
- **NATIONAL TECHNICAL NUCLEAR FORENSICS** (FY 2022 Request: 1,971)
- **SEEK EAGLE** (FY 2022 Request: 30,539)
- **USAFA MODELING AND SIMULATION** (FY 2022 Request: 17,110)
- **WARGAMING AND SIMULATION CENTERS** (FY 2022 Request: 7,535)
- **BATTLEFIELD ABN COMM NODE (BACN)** (FY 2022 Request: 32,008)
- **DISTRIBUTED TRAINING AND EXERCISES** (FY 2022 Request: 4,007)
- **MISSION PLANNING SYSTEM** (FY 2022 Request: 92,557)
- **TACTICAL DECEPTION** (FY 2022 Request: 489)
- **OPERATIONAL HQ—CYBER** (FY 2022 Request: 2,115)
- **DISTRIBUTED CYBER WARFARE OPERATIONS** (FY 2022 Request: 72,487)
- **AF DEFENSIVE CYBERSPACE OPERATIONS** (FY 2022 Request: 18,449)
- **JOINT CYBER COMMAND AND CONTROL (JCC2)** (FY 2022 Request: 79,079)
- **UNIFIED PLATFORM (UP)** (FY 2022 Request: 101,893)
- **GLOBAL FORCE MANAGEMENT—DATA INITIATIVE** (FY 2022 Request: 64,000)
- **AIRBORNE SIGINT ENTERPRISE** (FY 2022 Request: 79,546)
- **COMMERCIAL ECONOMIC ANALYSIS** (FY 2022 Request: 3,770)
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**SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT** | 21,743,003 | 21,991,103 |

**SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS** | 96,100 | 96,100 |

**ADVANCED TECHNOLOGY DEVELOPMENT** | 186,918 | 186,918 |

**TOTAL RESEARCH, DEVELOPMENT, TEST & EVALUATION** | 39,179,649 | 40,095,349 |

**RDTE, SPACE FORCE** |

**APPLIED RESEARCH** | 181,209 | 204,909 |

**SUBTOTAL APPLIED RESEARCH** | 181,209 | 204,909 |

**ADVANCED TECHNOLOGY DEVELOPMENT** | 75,919 | 146,919 |

**SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT** | 75,919 | 146,919 |

**ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES** | 434,194 | 434,194 |

**CONGRESSIONAL RECORD — SENATE**

S8677

November 19, 2021

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

(In Thousands of Dollars)
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**SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT**  
4,007,596  
4,253,296

### SYSTEM DEVELOPMENT & DEMONSTRATION

- **ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES**
  - 060361D8Z: NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E ADC&P  
    - Request: 26,687  
    - Authorized: 26,687
  - 060360D8Z: WALKOFF  
    - Request: 108,652  
    - Authorized: 108,652
  - 060361D8Z: ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM  
    - Request: 71,429  
    - Authorized: 71,429
  - 060381C: BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT  
    - Request: 277,949  
    - Authorized: 279,949
  - 060382C: BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT  
    - Request: 745,144  
    - Authorized: 745,144
  - 060384C: CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—DEM/VAL  
    - Request: 129,445  
    - Authorized: 129,445
  - 060385C: BALLISTIC MISSILE DEFENSE SENSORS  
    - Request: 224,750  
    - Authorized: 227,762
  - 060389C: MDA UFR—Cybersecurity improvements  
    - Request: [3,012]  
  - 060390C: MDA UFR—Cybersecurity improvements  
    - Request: [4,830]  
  - 060391C: MDA UFR—System survivability in radiation environments  
    - Request: [20,166]  
  - 060392C: MDA UFR—Tower-based fire control sensor for cruise missile defense  
    - Request: [27,000]  
  - 060393C: NORTHCOM UFR—NCR elevated radar  
    - Request: [27,200]  
  - 060394C: SPECIAL PROGRAMS—MDA  
    - Request: 433,374  
    - Authorized: 433,374
  - 060395C: AEGIS BMD  
    - Request: 732,512  
    - Authorized: 780,912
  - 060396C: MDA UFR—Radar upgrades  
    - Request: [46,400]  
  - 060397C: BALLISTIC MISSILE DEFENSE COMMAND AND CONTROL, BATTLE MANAGEMENT AND COMMUNICATION  
    - Request: 603,448  
    - Authorized: 609,924
  - 060398C: BALLISTIC MISSILE DEFENSE JOINT WARFIGHTER SUPPORT  
    - Request: 50,594  
    - Authorized: 50,594
  - 060399C: MISSILE DEFENSE INTEGRATION & OPERATIONS CENTER (MDIOC)  
    - Request: 52,403  
    - Authorized: 52,403
  - 060390C: REAGING FRENCH  
    - Request: 11,952  
    - Authorized: 11,952
  - 060397C: SEA BASED X-BAND RADAR (SBX)  
    - Request: 147,241  
    - Authorized: 147,241
  - 060391C: ISRAELI COOPERATIVE PROGRAMS  
    - Request: 300,000  
    - Authorized: 300,000
  - 060392C: BALLISTIC MISSILE DEFENSE TEST  
    - Request: 362,906  
    - Authorized: 362,906
  - 060393C: BALLISTIC MISSILE DEFENSE TARGETS  
    - Request: 553,334  
    - Authorized: 553,334
  - 060394C: COALITION WARFARE  
    - Request: 5,103  
    - Authorized: 5,103
  - 060401ID8Z: NEXT GENERATION INFORMATION COMMUNICATIONS TECHNOLOGY (5G)  
    - Request: 374,665  
    - Authorized: 474,665
  - 060402C: DEPARTMENT OF DEFENSE CORROSION PROGRAM  
    - Request: 3,259  
    - Authorized: 3,259
  - 060403C: GUAM DEFENSE PROGRAM—Guam Defense System  
    - Request: 78,300  
    - Authorized: 232,750
  - 060411C: INDO PACOM UFR—Guam Defense Programs  
    - Request: 247,931  
    - Authorized: 206,796
  - 060412C: Advanced Innovative Technologies  
    - Request: 716,465  
    - Authorized: 681,456
  - 060414C: MDA UFR—Accelerate hypersonic defensive systems  
    - Request: 247,931  
    - Authorized: 206,796
  - 060420D8Z: Program increase—Project B  
    - Request: (60,000)  
  - 060421D8Z: Program reduction—Project A  
    - Request: (10,000)  
  - 060422D8Z: Program reduction—strategic capabilities research and prototyping  
    - Request: (100,000)  
  - 060430D8Z: Program reduction—Thermionic energy generation  
    - Request: (15,000)  
  - 060431D8Z: Program reduction—RAPID PROTOTYPEING PARADIGM  
    - Request: 509,195  
    - Authorized: 509,195
  - 060432C: RAPID PROTOTYPEING PARADIGM  
    - Request: 103,575  
    - Authorized: 103,575
  - 060433C: DEFENSE INNOVATION UNIT (DIU) PROTOTYPING  
    - Request: 11,213  
    - Authorized: 11,213
  - 060434C: DEPARTMENT OF DEFENSE (DOD) UNMANNED SYSTEM COMMON DEVELOPMENT  
    - Request: 2,778  
    - Authorized: 2,778
  - 060435C: OPERATIONAL ENERGY CAPABILITY IMPROVEMENT—NON S&T  
    - Request: 23,200  
    - Authorized: 23,200
  - 060436C: Homeland Defense Radar—Hawaii (HDR-H)  
    - Request: 0  
    - Authorized: 76,000
  - 060437C: INDO PACOM UFR—Restoration of HDR-H  
    - Request: (76,000)
  - 060438C: WARGAMING AND SIMULATION FOR STRATEGIC ANALYSIS (SSA)  
    - Request: 3,519  
    - Authorized: 3,519
  - 060439C: JOINT C5 CAPABILITY DEVELOPMENT, INTEGRATION AND INTEROPERABILITY ASSESSMENTS  
    - Request: 17,439  
    - Authorized: 42,439

**SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION**  
9,854,341  
10,378,740

### SPACE TECHNOLOGY DEVELOPMENT & PROTOTYPING

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**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**

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**SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION**

548,687

**548,687**
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**TOTAL OPERATIONAL SYSTEMS DEVELOPMENT:** 6,607,385

**SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS**

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**SUBTOTAL SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS:** 408,742

**TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, DW**

25,857,875

**OPERATIONAL TEST & EVAL, DEFENSE MANAGEMENT SUPPORT**

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**SUBTOTAL MANAGEMENT SUPPORT:** 216,591

**TOTAL OPERATIONAL TEST & EVAL, DEFENSE**

216,591

**TOTAL RDT&E**

111,964,188

**TITLE XLIII—OPERATION AND MAINTENANCE**

**SEC. 4301. OPERATIONS AND MAINTENANCE**

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**OPERATION & MAINTENANCE, ARMY**

**UNDISTRIBUTED**

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**TOTAL OPERATION & MAINTENANCE, ARMY**

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**ADMIN & SERVWIDE ACTIVITIES**

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TOTAL OPERATION & MAINTENANCE, NAVY

OPERATION & MAINTENANCE, MARINE CORPS

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ADMIN & SRVWD ACTIVITIES

| SERVICEWIDE TRANSPORTATION | 410,729 | 410,729 |
| ADMINISTRATION | 63,422 | 63,422 |
|      | SUBTOTAL ADMIN & SRVWD ACTIVITIES | 574,626 | 574,626 |
|      | UNDISTRIBUTED | 0 | -108,815 |
|      | Bulk fuel adjustment | | |
|      | Foreign currency fluctuations | | |
|      | Printing costs reduction | | |
|      | Unobligated balances | | |
|      | SUBTOTAL UNDISTRIBUTED | 0 | -108,815 |

TOTAL OPERATION & MAINTENANCE, MARINE CORPS

OPERATION & MAINTENANCE, NAVY RES

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ADMIN & SRVWD ACTIVITIES

<p>| ADMINISTRATION | 1,943 | 1,943 |
| MILITARY MANPOWER AND PERSONNEL MANAGEMENT | 12,191 | 12,191 |
| PROGRAM MANAGEMENT | 3,073 | 3,073 |
|      | SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES | 17,207 | 17,207 |
|      | UNDISTRIBUTED | 0 | -17,207 |
|      | Bulk fuel adjustment | | |
|      | Unobligated balances | | |
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**TOTAL OPERATION & MAINTENANCE, MC RESERVE**

| Item | 285,050 | 323,255 |

**SUBTOTAL UNDISTRIBUTED**

| Item | 0 | –7,695 |

**TOTAL OPERATION & MAINTENANCE, NAVY RES**

| Item | 1,418,608 | 1,531,208 |

**OPERATION & MAINTENANCE, MC RESERVE**

| Item | 102,771 | 148,171 |

**OPERATING FORCES**

| Item | 16,811 | 16,811 |

**DEPOT MAINTENANCE**

| Item | 42,702 | 42,702 |

**BASE OPERATING SUPPORT**

| Item | 109,210 | 109,210 |

**ADMIN & SRVWD ACTIVITIES**

| Item | 14,056 | 14,056 |

**UNDISTRIBUTED**

| Item | 0 | –7,695 |

**TOTAL UNDISTRIBUTED**

| Item | 0 | –7,695 |

**STRATEGY COORDINATION**

| Item | –2,500 | |

**CCMD INTELLIGENCE INFORMATION TECHNOLOGY**

| Item | –3,000 | |

**CAPABILITIES MANAGEMENT OFFICE**

| Item | –5,000 | |

**SPACECOM UFR—PATHWAY TO FULL OPERATIONAL CAPABILITY**

| Item | 26,800 | |

**PROG REDUCTION TO OSCI**

| Item | –5,000 | |

**SUBTOTAL ADMIN & SRVWD ACTIVITIES**

| Item | 14,056 | 14,056 |

**AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)**

| Item | 1,555,320 | 1,840,320 |

**DEPOT PURCHASE EQUIPMENT MAINTENANCE**

| Item | 3,661,762 | 3,870,762 |

**AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)**

| Item | 1,555,320 | 1,840,320 |

**FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION**

| Item | 3,887,114 | 4,611,114 |

**PROGRAM INCREASE FSRM TO 100%**

| Item | 744,000 | |

**CYBERSPACE SUSTAINMENT**

| Item | 179,568 | 285,568 |

**AIR FORCE UFR—WEAPON SYSTEM SUSTAINMENT**

| Item | 116,000 | |

**CONGRESSIONAL RECORD — SENATE**

November 19, 2021
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### Army UFR – Reserve Component Homeland Security Ops

228,410

### Army UFR – Reserve Component EDI for Rotational Forces

55,999

### Army UFR – JTIMS exercise support

67,435

### A–10/F–35 Active duty maintainers

93,000

### MILITARY PERSONNEL APPROPRIATIONS

157,947,920 157,451,308

### MILITARY PERSONNEL APPROPRIATIONS

### ENVIRONMENTAL RESTORATION FORMERLY USED SITES

218,580 218,580

### ENVIRONMENTAL RESTORATION, DEFENSE

8,783 8,783

### ENVIRONMENTAL RESTORATION, AIR FORCE

301,768 301,768

### ENVIRONMENTAL RESTORATION, NAVY

298,250 298,250

### MEDICARE-ELIGIBLE RETIREE HEALTH CARE FUND CONTRIBUTIONS

9,337,175 9,337,175

### MEDICARE-ELIGIBLE RETIREE HEALTH CARE FUND CONTRIBUTIONS

9,337,175 9,337,175

### TOTAL MILITARY PERSONNEL

167,285,095 166,788,483

### TITTLE XLV—OTHER AUTHORIZATIONS

### SEC. 4501. OTHER AUTHORIZATIONS

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### SEC. 4601. MILITARY CONSTRUCTION

#### TITLE XLVI—MILITARY CONSTRUCTION

**SEC. 4601. MILITARY CONSTRUCTION.**

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**SUBTOTAL NAVY**

| 2,368,352 | 3,704,402 |

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**SUBTOTAL AIR FORCE**

<p>| 2,368,352 | 3,704,402 |</p>
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**SUBTOTAL AIR FORCE**: 2,102,690

**DEFENSE-WIDE**

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**ARMY NATIONAL GUARD**

**Alabama**

Army National Guard

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**Connecticut**

Army National Guard

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**SUBTOTAL ARMY NATIONAL GUARD**  
257,103 439,403

**AIR NATIONAL GUARD**

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## Table: Military Construction (In Thousands of Dollars)

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### SUBTOTAL AIR NATIONAL GUARD

| Total                  | 213,770          | 379,970            |

### ARMY RESERVE

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### SUBTOTAL ARMY RESERVE

| Total                  | 64,911          | 123,311            |

### NAVY RESERVE

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### SUBTOTAL NAVY RESERVE

| Total                  | 71,804          | 71,804             |

### AIR FORCE RESERVE

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| Total                  | 71,804          | 71,804             |

## SEC. 4601. MILITARY CONSTRUCTION

### (In Thousands of Dollars)

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<td><strong>SUBTOTAL CONSTRUCTION, ARMY</strong></td>
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<td>Account</td>
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**CONSTRUCTION, AIR FORCE**

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<th>State/Country and Installation</th>
<th>Project Title</th>
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</thead>
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<tr>
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<td>Robins Air Force Base</td>
<td>Robins 2 MHPI Restructure</td>
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<td>Construction, Air Force</td>
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**O&M, AIR FORCE**

<table>
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<td><strong>SUBTOTAL O&amp;M, AIR FORCE</strong></td>
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**O&M, DEFENSE-WIDE**

<table>
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<th>State/Country and Installation</th>
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<th>FY 2022 Request</th>
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<td>Furnishings</td>
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## SECTION 4601. MILITARY CONSTRUCTION

### Accounts and Projects

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<th>FY 2022 Request</th>
<th>Senate Authorized</th>
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<td><strong>SUBTOTAL IMPROVEMENT FUND</strong></td>
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<td><strong>UNACCMP HSG IMPROVEMENT FUND</strong></td>
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<td>Administrative Expenses—UHIF</td>
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<td><strong>SUBTOTAL UNACCMP HSG IMPROVEMENT FUND</strong></td>
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<td><strong>ARMY BRAC</strong></td>
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<td>Base Realignment &amp; Closure</td>
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<td><strong>SUBTOTAL ARMY BRAC</strong></td>
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<td><strong>SUBTOTAL NAVY BRAC</strong></td>
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<td><strong>AIR FORCE BRAC</strong></td>
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<td>DOD BRAC Activities—Air Force</td>
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<td><strong>SUBTOTAL AIR FORCE BRAC</strong></td>
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<td><strong>DOD BRAC</strong></td>
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<td>Int–4: DLA Activities</td>
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<td><strong>SUBTOTAL DOD BRAC</strong></td>
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<tr>
<td><strong>TOTAL DEFENSE BASE REALIGNMENT AND CLOSURE</strong></td>
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<td><strong>TOTAL MILITARY CONSTRUCTION, FAMILY HOUSING, AND BRAC</strong></td>
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<td>9,863,031</td>
<td>12,714,611</td>
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## TITLE XLVII—DEPARTMENT OF ENERGY

### National Security Programs

**SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**

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<th>Program</th>
<th>FY 2022 Request</th>
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<td>Discretionary Summary by Appropriation</td>
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<td>Energy and Water Development and Related Agencies</td>
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<tr>
<td>Appropriation Summary</td>
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<tr>
<td>Energy Programs</td>
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<tr>
<td>Nuclear energy</td>
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<td>149,800</td>
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<tr>
<td>Atomic Energy Defense Activities</td>
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<td></td>
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<tr>
<td>National Nuclear Security Administration:</td>
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<td>Federal Salaries and Expenses</td>
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<td>Weapons activities</td>
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<td>Naval reactors</td>
<td>1,860,705</td>
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<td>Total, National Nuclear Security Administration</td>
<td>19,743,000</td>
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<td>Defense environmental cleanup</td>
<td>6,841,670</td>
<td>6,573,000</td>
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<td>Other defense activities</td>
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<td>Total, Atomic Energy Defense Activities</td>
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<tr>
<td>Total, Discretionary Funding</td>
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### SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

#### (In Thousands of Dollars)

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<th>Program</th>
<th>FY 2022 Request</th>
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<td>Safeguards and security</td>
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<td><strong>Total, Nuclear Energy</strong></td>
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#### National Nuclear Security Administration

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<th><strong>Weapons Activities</strong></th>
<th>Program direction</th>
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<th>Stockpile major modernization</th>
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<th>771,664</th>
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<td>W8-2 Modification program</td>
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<tr>
<td>W8-4 Life extension program</td>
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<td><strong>Total, Stockpile major modernization</strong></td>
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<table>
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<th><strong>Production modernization</strong></th>
<th><strong>Primary capability modernization</strong></th>
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<th>1,720,517</th>
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<tr>
<td><strong>Plutonium modernization</strong></td>
<td>Los Alamos plutonium modernization</td>
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<td>Los Alamos Plutonium Operations</td>
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<td><strong>Total, Los Alamos plutonium modernization</strong></td>
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</table>

| **Savannah River plutonium modernization** | Savannah River plutonium operations | 128,000 | 128,000 |
| **Total, Savannah River plutonium modernization** | 603,000 | 603,000 |

| **Total, Primary capability modernization** | 1,789,302 | 1,789,302 |
| **Secondary Capability Modernization** | 488,097 | 489,017 |

| **Tritium and Domestic Uranium Enrichment** | 488,017 | 489,017 |

| **Total, Non-Nuclear Capability Modernization** | 144,563 | 144,563 |

| **Total, Production modernization** | 2,910,979 | 2,915,979 |

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<tr>
<th><strong>Stockpile research, technology, and engineering</strong></th>
<th>Assessment science</th>
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<th>769,528</th>
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<td>Engineering and integrated assessments</td>
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<td>Inertial confinement fusion</td>
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<td><strong>Reverse FY22 decrease, fund operations and targets</strong></td>
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<td>70,000</td>
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<tr>
<td>Advanced simulation and computing</td>
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<tr>
<td>Weapon technology and manufacturing maturation</td>
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| **Total, Stockpile research, technology, and engineering** | 2,680,631 | 2,846,381 |

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<td>Maintenance and Repair of Facilities</td>
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<tr>
<td><strong>Reverse FY22 decrease</strong></td>
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</table>

| **Subtotal, Recapitalization** | 651,730 | 733,830 |

| **Total, Operating** | 2,501,084 | 2,583,184 |

<table>
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<tr>
<th><strong>I&amp;O: Construction</strong></th>
<th>Programmatic</th>
<th>13,827</th>
<th>13,827</th>
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<tbody>
<tr>
<td>22–D–513 Power Sources Capability, SNL</td>
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<td>44,500</td>
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<tr>
<td><strong>Total, Operating</strong></td>
<td>2,501,084</td>
<td>2,583,184</td>
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</table>
### SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

**In Thousands of Dollars**

<table>
<thead>
<tr>
<th>Program</th>
<th>FY 2022 Request</th>
<th>Senate Authorized</th>
</tr>
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<tbody>
<tr>
<td>18–D–650, Tritium Finishing Facility, SRS</td>
<td>27,000</td>
<td>27,000</td>
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<tr>
<td>18–D–629, Exascale Computing Facility Modernization Project, LLNL</td>
<td>0</td>
<td>0</td>
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<tr>
<td>17–D–646, Ula Complex Enhancements Project, NNSA</td>
<td>135,000</td>
<td>135,000</td>
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<tr>
<td>15–D–302, TA–SS Reinvestment Project—Phase 3, LANL</td>
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<tr>
<td>15–D–301, HE Science &amp; Engineering Facility, PX</td>
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<tr>
<td>07–D–2294, Transuranic Waste Facility, LANL</td>
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<tr>
<td>06–D–141, Uranium Processing Facility, Y–12</td>
<td>524,000</td>
<td>524,000</td>
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<tr>
<td>04–D–123, Chemistry and Metallurgy Research Replacement Project, LANL</td>
<td>138,123</td>
<td>138,123</td>
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<td><strong>Total, Programmatic</strong></td>
<td><strong>1,081,535</strong></td>
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#### Mission enabling

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<tr>
<th>Program</th>
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<tr>
<td>22–D–514 Digital Infrastructure Capability Expansion</td>
<td>8,000</td>
<td>8,000</td>
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<td><strong>Total, Mission enabling</strong></td>
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<td><strong>8,000</strong></td>
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<tr>
<td><strong>Total, I&amp;O construction</strong></td>
<td><strong>1,089,532</strong></td>
<td><strong>1,089,532</strong></td>
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<tr>
<td><strong>Total, Infrastructure and operations</strong></td>
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<td><strong>3,672,536</strong></td>
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#### Secure transportation asset

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<th>Program</th>
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<tr>
<td>Operations and equipment</td>
<td>213,704</td>
<td>225,704</td>
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<td>Reverse FY22 decrease</td>
<td>(12,000)</td>
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<td>Program direction</td>
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<td>129,660</td>
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<td>Reverse FY22 decrease</td>
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<td><strong>Total, Secure transportation asset</strong></td>
<td><strong>336,764</strong></td>
<td><strong>355,304</strong></td>
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#### Defense nuclear security

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<thead>
<tr>
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<tr>
<td>Operations and maintenance</td>
<td>824,623</td>
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<tr>
<td>Security improvements program</td>
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<td>17–D–710, West end protected area reduction project, Y–12</td>
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<td><strong>Subtotal construction</strong></td>
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#### Information technology and cybersecurity

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<td>406,530</td>
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#### Legacy contractor pensions

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<tr>
<td>78,656</td>
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#### Total, Weapons Activities

<table>
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<th>Program</th>
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<th>Senate Authorized</th>
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<tbody>
<tr>
<td>15,484,295</td>
<td>15,755,745</td>
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#### Adjustments

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<tr>
<td>Use of prior year balances</td>
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<td><strong>Total, Adjustments</strong></td>
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#### Total, Weapons Activities

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<tr>
<th>Program</th>
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</thead>
<tbody>
<tr>
<td>15,484,295</td>
<td>15,755,745</td>
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</tbody>
</table>

### Defense Nuclear Nonproliferation

#### Defense Nuclear Nonproliferation Programs

- **Material management and minimization**
  - Conversion (formerly HEU Reactor Conversion) 100,660 100,660
  - Nuclear material removal 42,100 42,100
  - Material disposition 200,186 200,186
  - Laboratory and partnership support 0 10,000
  - Additional isotope production (10,000)

#### Global material security

- International nuclear security 79,939 79,939
- Domestic radiological security 158,002 185,002
- Reverse FY22 decrease (27,000)
- International radiological security 85,000 85,000
- Nuclear smuggling detection and deterrence 175,000 185,000
- Additional border screening (10,000)

#### Total, Global material security

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<thead>
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<th>Program</th>
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<tr>
<td>497,941</td>
<td>554,941</td>
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</table>

#### Nonproliferation and arms control

- National Technical Nuclear Forensics R&D 184,795 184,795
- 45,000 45,000

#### Defense nuclear nonproliferation R&D

- Proliferation detection 269,407 269,407
- Nonproliferation Stewardship program 87,329 87,329
- Nuclear deterrence detection 271,000 271,000
- Nonproliferation fuels development 0 0

#### Total, Defense Nuclear Nonproliferation Programs

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<th>Program</th>
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<td>------------------------------------------------------------------------</td>
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<td><strong>Subtotal, Defense Nuclear Nonproliferation</strong></td>
<td>2,264,000</td>
<td>2,321,000</td>
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<td>Adjustments</td>
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<td>Use of prior year balances</td>
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<td>Recission of prior year MOX funding</td>
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<td>-330,000</td>
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<td><strong>Total, Defense Nuclear Nonproliferation</strong></td>
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<td><strong>Naval Reactors</strong></td>
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<tr>
<td>Naval reactors development</td>
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<td>Columbia-Class reactor systems development</td>
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<td>S8G Prototype refueling</td>
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<td>Naval reactors operations and infrastructure</td>
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<td>599,017</td>
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<td>Program direction</td>
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<td><strong>Construction:</strong></td>
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<tr>
<td>22–D–532 Security Upgrades KL</td>
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<td>22–D–531 KL Chemistry &amp; Radiological Health Building</td>
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<td>41,620</td>
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<td>21–D–530 KL Steam and Condensate Upgrades</td>
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<td>14–D–901, Spent Fuel Handling Recapitalization Project, NRF</td>
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<td><strong>Total, Construction</strong></td>
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<td>385,425</td>
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<td>Recission of Prior Year unobligated balances</td>
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<td><strong>TOTAL, National Nuclear Security Administration</strong></td>
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<td>20,071,450</td>
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<td><strong>Defense Environmental Cleanup</strong></td>
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<td><strong>Richland:</strong></td>
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<tr>
<td>Closure sites administration</td>
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<td>3,987</td>
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<td>River corridor and other cleanup operations</td>
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<td>233,000</td>
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<td>Reverse FY22 decrease</td>
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<td>Central plateau remediation</td>
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<td>Richland community and regulatory support</td>
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<tr>
<td>18–D–404 Modification of Waste Encapsulation and Storage Facility</td>
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<td>22–D–401 L–888, 400 Area Fire Station</td>
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<td>22–D–402 L–897, 300 Area Water Treatment Facility</td>
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<td><strong>Total, Richland</strong></td>
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<td>963,897</td>
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<td><strong>Office of River Protection:</strong></td>
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<tr>
<td>Waste Treatment Immobilization Plant Commissioning</td>
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<td>50,000</td>
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<td>Rad liquid tank waste stabilization and disposition</td>
<td>817,642</td>
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<tr>
<td>Additional tank stabilization</td>
<td>(20,000)</td>
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<td><strong>Construction:</strong></td>
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<tr>
<td>18–D–16 Waste treatment and immobilization plant—LLNL/Direct feed LAW</td>
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<td>01–D–16 D, High-level waste facility</td>
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<tr>
<td>01–D–16 E, Pretreatment Facility</td>
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<td><strong>Total, Construction</strong></td>
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<tr>
<td>ORNL Low-level waste onsite disposal</td>
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<td><strong>Total, Office of River Protection</strong></td>
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<td>1,560,642</td>
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<td><strong>Idaho National Laboratory:</strong></td>
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<td>Idaho cleanup and waste disposition</td>
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<tr>
<td>22–D–403 Idaho Spent Nuclear Fuel Staging Facility</td>
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<td><strong>Total, Construction</strong></td>
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<td><strong>Total, Idaho National Laboratory</strong></td>
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<tr>
<td><strong>Total, Idaho National Laboratory</strong></td>
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<td>369,583</td>
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<td><strong>NNSA sites and Nevada off-sites</strong></td>
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<td>Lawrence Livermore National Laboratory</td>
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<td>Separations Processing Research Unit</td>
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<td>Nevada Test Site</td>
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<td>Sandia National Laboratory</td>
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<td>Los Alamos National Laboratory</td>
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<td><strong>Total, NNSA sites and Nevada off-sites</strong></td>
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<td>460,619</td>
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<td><strong>Oak Ridge Reservation:</strong></td>
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<tr>
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<td>14–D–403 Outfall 200 Mercury Treatment Facility</td>
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<tr>
<td>OR technology development and deployment</td>
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<td>Savannah River Site:</td>
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<td>Savannah River risk management operations</td>
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<td>486,023</td>
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<td>H-canyon operations</td>
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<td>Radioactive liquid tank waste:</td>
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<td>Construction:</td>
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<td>20-D–402 Advanced Manufacturing Collaborative Facility (AMC)</td>
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<td>19-D–701 SR Security systems replacement</td>
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<td>18-D–402 Saltstone disposal unit #89</td>
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<td>05-D–405 Salt waste processing facility, SRS</td>
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<td>Total, Construction, Radioactive liquid tank waste</td>
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<td>Radioactive liquid tank waste stabilization</td>
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<td>Total, Savannah Savannah River Site</td>
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<td>Waste Isolation Pilot Plant</td>
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<td>Waste Isolation Pilot Plant</td>
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<tr>
<td>15–D–411 Safety significant confinement ventilation system, WIPP</td>
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<td>15–D–412 Exhaust shaft, WIPP</td>
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<td>21–D–401 Hostling Capability Project</td>
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<td>Total, Construction</td>
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<tr>
<td>Program direction—Defense Environmental Cleanup</td>
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<tr>
<td>Program support—Defense Environmental Cleanup</td>
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<td>316,744</td>
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<tr>
<td>Technology development and deployment</td>
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<td>Federal contribution to the Uranium Enrichment D&amp;D Fund</td>
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<tr>
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<td>6,573,000</td>
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<td>Rescission of prior year balances</td>
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<td>0</td>
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<tr>
<td>TOTAL, Defense Environmental Cleanup</td>
<td>6,841,670</td>
<td>6,573,000</td>
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<tr>
<td>Other Defense Activities</td>
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<td></td>
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<tr>
<td>Environment, health, safety and security</td>
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<td></td>
</tr>
<tr>
<td>Environment, health, safety and security mission support</td>
<td>130,809</td>
<td>130,809</td>
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<tr>
<td>Program direction</td>
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<tr>
<td>Total, Environment, health, safety and security</td>
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<td>206,620</td>
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<tr>
<td>Independent enterprise assessments</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Enterprise assessments</td>
<td>27,335</td>
<td>27,335</td>
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<tr>
<td>Program direction—Office of Enterprise Assessments</td>
<td>56,049</td>
<td>56,049</td>
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<tr>
<td>Total, Office of Enterprise Assessments</td>
<td>83,384</td>
<td>83,384</td>
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<tr>
<td>Specialized security activities</td>
<td>283,500</td>
<td>283,500</td>
</tr>
<tr>
<td>Office of Legacy Management</td>
<td></td>
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<tr>
<td>Legacy management activities—defense</td>
<td>408,797</td>
<td>158,797</td>
</tr>
<tr>
<td>(A) by striking paragraphs (3) through (8); and</td>
<td></td>
<td>(–250,000)</td>
</tr>
<tr>
<td>(B) by inserting after paragraph (2) the following:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(1) in subsection (a), by striking “may”</td>
<td></td>
<td></td>
</tr>
<tr>
<td>and inserting “and the Director of National Intelligence may jointly”</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(2) in subsection (b), by—</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(3) by redesigning subsections (c) through (e) as subsections (d) through (f), respectively;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(4) by inserting after subsection (b) the following:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| (c) LEADERSHIP.—The Steering Committee shall be chaired by the Deputy Secretary of Defense, the Vice Chairman of the

DIVISION E—ADDITIONAL PROVISIONS

TITLE LI—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 5201. IMPROVEMENTS RELATING TO STEERING COMMITTEE ON EMERGING TECHNOLOGY AND NATIONAL SECURITY THREATS.

(A) in paragraph (1)—

(i) by striking “a strategy” and inserting “‘strategies’”;

(ii) by inserting “and intelligence community” after “United States military”; and

(iii) by inserting “and National Intelligence Community” in place of “National Security Strategy” after “National Defense Strategy”;

(B) inserting in paragraph (3)—

(i) before subparagraph (A), by inserting “and the Director of National Intelligence” after “the Secretary of Defense”;

(ii) in subparagraph (A), by striking “strategy” and inserting “‘strategies’”;

(iii) in subparagraph (D), by striking “;” and inserting a semicolon;

(iv) by redesignating subparagraph (E) as subparagraph (F); and

(v) by inserting after subparagraph (D) the following:

(3) An assessment of the feasibility of initiatives and programs of record to ensure that such advances and innovations can be successfully transitioned and supported to maximize mission readiness and force resiliency.

(3) An assessment of the feasibility of initiatives and programs of record to ensure that such advances and innovations can be successfully transitioned and supported to maximize mission readiness and force resiliency.

(3) An assessment of the feasibility of initiatives and programs of record to ensure that such advances and innovations can be successfully transitioned and supported to maximize mission readiness and force resiliency.

SEC. 5203.

IMPOR TANCE OF HISTORICALLY BLACK COLLEGES AND UNIV ER SITIES AND MINORITY-SERVING INSTITUTIONS.

(a) INCREASE.—Funds authorized to be appropriated under paragraphs (1) and (2) of subsection (a) of section 3024(c) of the National Defense Authorization Act for Fiscal Year 2021 (10 U.S.C. 2364 note) are increased by $20,000,000.

(b) OFFSET.—Funding in section 4301 for Offsetting Federal Requirements is hereby decreased by $11,000,000, with the amount of the decrease to be derived from amounts available for Shipbuilding and Conversion, Nuclear Reactor, and Nuclear Submarine Shipyard Infrastructure Project, valued at $250,000,000 or more under such program.

TIT LE LIII—OPERATION AND MAINTENANCE

SEC. 5301.

IMPROVED OVERSIGHT FOR IMPLEMENTATION OF SHIPYARD INFRASTRUCTURE OPTIMIZATION PROGRAM FOR THE NAVY.

(a) UPDATE D PLAN.—

(1) IN GENERAL.—Not later than September 30, 2022, the Secretary of the Navy shall submit to the congressional defense committees on such project, the Secretary of the Navy or a designee of the Secretary shall brief each of the congressional defense committees on such project, the Secretary of the Navy or a designee of the Secretary shall submit a report to the congressional defense committees on the progress of the Secretary in completing the initial report required under paragraph (1).

(2) WRITTEN INFORMATION.—Before conducting a briefing under paragraph (1) with the congressional defense committees on such project, the Secretary of the Navy shall submit to the congressional defense committees a report on the progress of the Secretary in completing the initial report required under paragraph (1).

(b) UPDATE D COST ESTIMATES.—The updated plan required under paragraph (1) shall include updated cost estimates comprising the total cost of the projects identified in the preliminary findings of the report under paragraph (1).
“(2) Finding and funding the procurement of an effective substitute firefighting solution without perfluorooxyalkyl substances or polyfluoroalkyl substances.”

SEC. 5500. STUDY ON PROGRESS OF AIR FORCE REGARDING CONTAMINATED REAL PROPERTY.

(a) SENSE OF SENATE.—It is the sense of the Senate—

(1) certain property on or near Air Force facilities located in the United States are contaminated with harmful perfluorooctanoic acid and perfluoroctane sulfonate chemicals;
(2) perfluoroctanoic acid and perfluoroctane sulfonate contamination threatens the public health, and lives and health of citizens and livestock who live in contaminated areas;
(3) property owners, especially those facing severe financial hardship, cannot wait any longer for the Air Force to acquire contaminated property; and
(4) the Secretary of the Air Force should, in an expeditious manner, use the authority under section 344 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 2701 note) to acquire contaminated property as if the individual were not also employed.

(b) REPORT.—The report required under paragraph (1) shall include—

(1) a detailed description of any real property contaminated by perfluorooctanoic acid and perfluoroctane sulfonate by activities of the Air Force;
(2) a description of any progress made by the Secretary of the Air Force to acquire and remediate or dispose of property pursuant to Federal and State environmental laws or provide relocation assistance pursuant to section 344 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 2701 note).

(c) DEFINITIONS.—In this section:

(1) MILITARY SPOUSE.—The term ‘‘military spouse’’ has the meaning given that term in section 101(a)(16) of title 10, United States Code.
(2) MILITARY SPOUSE.—The term ‘‘military spouse’’ means the spouse of a member of the Armed Forces serving on active duty.

SEC. 5501. CONCURRENT USE OF DEPARTMENT OF DEFENSE TUITION ASSISTANCE AND MONTGOMERY GI BILL—SELECTED RESERVE BENEFITS.

(a) IN GENERAL.—Section 1631A of title 10, United States Code, is amended by striking at the end the following new subsection:

“(k)(1) In the case of an individual entitled to educational assistance under this chapter who is pursuing education or training described in subsection (a) or (c) of section 2007 of this title on a half-time or more basis, the Secretary shall, at the election of the individual, pay the individual educational assistance allowance under this chapter for pursuit of such education or training as if the individual were not also eligible to receive educational assistance under section 2007 of this title for pursuit of such education or training.

(2) Concurrent receipt of educational assistance under this chapter shall not be considered a duplication of benefits if the individual is enrolled in a program of education on a half-time or more basis.”

(b) CONFORMING AMENDMENTS.—Section 2007(d) of such title is amended—

(1) in paragraph (1), by inserting ‘‘or chapter 106 of this title’’ after ‘‘of title 38’’;
(2) in paragraph (2), by inserting ‘‘, in the case of educational assistance under chapter 30 of such title’’ after ‘‘section 16131(k)’’, in the case of educational assistance under chapter 106 of this title’’ before the period at the end.

SEC. 5502. STUDY ON EMPLOYMENT OF MILITARY SPOUSES.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Defense shall conduct a study to identify employment barriers affecting military spouses.

(b) REPORT.—The report conducted under paragraph (1) shall determine the following:

(1) The rate or prevalence of military spouses who are currently employed and whether such military spouses have children.
(2) The rate or prevalence of military spouses who are unemployed.
(3) In connection with subparagraph (B), whether a military spouse would have taken a different position of employment if the military spouse were not impacted by the separation of a military spouse who is a member of the Armed Forces.
(4) Whether military spouses who, due to military affiliation, have experienced discrimination by civilian employers, including loss of employment, denial of a promotion, and difficulty in being hired.
(5) Any other barriers of entry into the local workforce for military spouses, including—

(1) state licensure requirements;
(2) availability of childcare;
(3) access to broadband;
(4) job availability in military communities; and
(5) access to housing.

SEC. 5503. AUTHORIZATION TO AWARD MEDAL OF HONOR TO PRIVATE FIRST CLASS CHARLES R. JOHNSON FOR ACTS OF VALOR DURING THE KOREAN WAR.

(a) WAIVER OF TIME LIMITATIONS.—Notwithstanding the time limitations specified in section 7274 of title 10, United States Code, the President may award the Medal of Honor under section 7271 of this title to Private First Class Charles R. Johnson for acts of valor described in subsection (b).

(b) ACKNOWLEDGMENT.—The acts of valor referred to in subsection (a) are the acts of Private First Class Charles R. Johnson on June 11, 1953, as a member of the Army serving in Korea during the Korean War.

SEC. 5504. REPORT ON STATUS OF ARMY TUITION ASSISTANCE PROGRAM ARMY IGNITED PROGRAM.

(a) IN GENERAL.—Not later than 80 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report on the status of the Army Ignited Program of the Army’s Tuition Assistance Program.

(b) ELEMENTS.—The report required under subsection (a) shall describe—

(1) the estimated date when the Army Ignited Program will be fully functional;
(2) the estimated date when service members will be reimbursed for out of pocket expenses caused by processing delays and errors under the Army Ignited Program; and
(3) the estimated date when institutions of higher education will be fully reimbursed for all costs typically provided through the Tuition Assistance Program but delayed due to processing delays and errors under the Army Ignited Program.

SEC. 5505. AUTHORITY TO VARY NUMBER OF SPACE FORCE OFFICERS CONSIDERED FOR PROMOTION TO MAJOR GENERAL.

(a) IN GENERAL.—Notwithstanding section 616(d) of title 10, United States Code, the number of officers recommended for promotion by a selection board convened by the Secretary of the Air Force to acquire contami- nated property will be fully functional;

(b) TERMINATION.—The authority provided under subsection (a) shall terminate on December 31, 2022.

TITLE LV—HEALTH CARE PROVISIONS

SEC. 5701. ASSIGNMENT OF MEDICAL AND DENTAL PERSONNEL OF THE MILITARY DEPARTMENTS TO MILITARY MEDICAL TREATMENT FACILITIES.

(a) IN GENERAL.—The Secretaries of the military departments shall ensure that the Surgeons General of the Armed Forces carry out fully the requirements of section 712(b)(3) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 1073c note) by not later than September 30, 2022.

(b) ASSIGNMENTS TO MILITARY MEDICAL TREATMENT FACILITIES.—In carrying out the requirements of section 712(b)(3) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, as amended by subsection (a), the Secretaries shall ensure that military medical treatment facilities are staffed with the maximum number of uniformed medical and dental personnel to a military medical treatment facility pursuant to such section may be accomplished by increasing the number of military medical treatment facilities maintained by the Department of Defense under the United States Code.

SEC. 5702. PHYSICIAN FAMILIARIZATION REQUIREMENT FOR WALTER REED NATIONAL MILITARY MEDICAL CENTER.

(a) ASSIGNMENT OF MILITARY PERSONAL.—For fiscal years 2023 through 2027, except as provided in paragraph (b), the Secretary of Defense shall ensure that the Secretaries of the military departments assign to the Walter Reed National Military Medical Center sufficient military personnel to meet not less than 85 percent of the joint table of distribution in effect for such facility on December 23, 2016.

(b) EXCEPTION.—Paragraph (1) shall not apply to any fiscal year for which the Secretary of Defense certifies at the beginning of such fiscal year to the Committees on Armed Services of the Senate and the House of Representatives that notwithstanding the failure to meet the requirement under such
paragraph, the Walter Reed National Military Medical Center is fully capable of carrying out all significant activities as the premier medical center of the military health system.

(d) REPORTS.—
(1) IN GENERAL.—Not later than September 30, 2022, each Secretary of a military department or the Financial Management and Comptroller Committee on Armed Services of the Senate and the House of Representatives a report on the compliance of the military department concerned with this section.

(2) ELIGIBILITY.—
(A) IN GENERAL.—Each report required by paragraph (1) shall include—
(i) the number specified in clause (i) of such paragraph (1) shall include—
(1) the number of uniformed personnel and civilian personnel assigned to a medical treatment facility as of October 1, 2019; and
(2) an accountable accounting as of September 30, 2022.

(B) EXPLANATION.—If the number specified in clause (ii) of such subparagraph, the Secretary concerned shall provide a full explanation for the reduction.

 SEC. 5705. MODIFICATION OF POSITION OF PRINCIPAL CYBER ADVISOR.

(a) DESIGNATION OF PRINCIPAL CYBER ADVISOR.—
(1) IN GENERAL.—Not later than 120 days after the date on which the budget of the President for a fiscal year is submitted to Congress pursuant to section 1105 of title 31, United States Code, each Secretary of a military department and the Under Secretary of Defense for Research and Engineering shall develop and submit to the Committee on Armed Services of the Senate and the House of Representatives a report on unfunded priorities of the Department of Defense related to high priority Small Business Innovation Research and Small Business Technology Transfer projects.

(b) ELEMENTS.—
(1) IN GENERAL.—Each report under subsection (a) shall include identification of the program, activity, or mission requirement; or
(ii) the program, activity, or mission requirement had emerged before the budget request was formulated.

(b) DESIGNATION OF DEPUTY PRINCIPAL CYBER ADVISOR.—
(1) IN GENERAL.—Each report required by subsection (a) shall include identification of the program, activity, or mission requirement; or
(ii) the program, activity, or mission requirement had emerged before the budget request was formulated.

(b) DESIGNATION OF DEPUTY PRINCIPAL CYBER ADVISOR.—
(1) DESIGNATION.—(A) The Secretary shall designate an official to serve by and with the advice and consent of the Senate as an official to serve by and with the advice and consent of the Senate.

(b) DESIGNATION OF DEPUTY PRINCIPAL CYBER ADVISOR.—
(1) DESIGNATION.—(A) The Secretary shall designate an official to serve by and with the advice and consent of the Senate as an official to serve by and with the advice and consent of the Senate.

(b) DESIGNATION OF DEPUTY PRINCIPAL CYBER ADVISOR.—
(1) DESIGNATION.—(A) The Secretary shall designate an official to serve by and with the advice and consent of the Senate as an official to serve by and with the advice and consent of the Senate.

(b) DESIGNATION OF DEPUTY PRINCIPAL CYBER ADVISOR.—
(1) DESIGNATION.—(A) The Secretary shall designate an official to serve by and with the advice and consent of the Senate as an official to serve by and with the advice and consent of the Senate.

(b) DESIGNATION OF DEPUTY PRINCIPAL CYBER ADVISOR.—
(1) DESIGNATION.—(A) The Secretary shall designate an official to serve by and with the advice and consent of the Senate as an official to serve by and with the advice and consent of the Senate.

(b) DESIGNATION OF DEPUTY PRINCIPAL CYBER ADVISOR.—
(1) DESIGNATION.—(A) The Secretary shall designate an official to serve by and with the advice and consent of the Senate as an official to serve by and with the advice and consent of the Senate.

(b) DESIGNATION OF DEPUTY PRINCIPAL CYBER ADVISOR.—
(1) DESIGNATION.—(A) The Secretary shall designate an official to serve by and with the advice and consent of the Senate as an official to serve by and with the advice and consent of the Senate.

(b) DESIGNATION OF DEPUTY PRINCIPAL CYBER ADVISOR.—
(1) DESIGNATION.—(A) The Secretary shall designate an official to serve by and with the advice and consent of the Senate as an official to serve by and with the advice and consent of the Senate.
(a) Application of Current Law.—

(1) LANDS IN SOUTH CAROLINA.—Section 14 of the Catawba Indian Tribe of South Carolina Act of 1988 (Public Law 103–116) shall only apply to gaming conducted by the Catawba Indian Nation on lands located in South Carolina.

(b) Land Not Located in South Carolina.—Gaming conducted by the Catawba Indian Nation on lands located in States other than South Carolina shall be subject to the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) and sections 1166 and 1167 of the Public Law 103–116.

(2) Administrative.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall brief the Committees on Armed Services of the Senate and the House of Representatives on the status of the assessment conducted under subsection (1).

(3) MODIFICATION OF DEPARTMENT OF DEFENSE THRESHOLD FOR THE DISMANTLING OF UNIDENTIFIED REMAINS.—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 impact of the Afghan re-settlement mission, Operation Allies Welcome, on the National Guard. The report shall assess—

(1) the impacts of the mission on readiness, training, maintenance and equipment, and the ability of the National Guard to support duties under title 10 and title 32, United States Code;

(2) costs incurred by the National Guard in support of the mission; and

(3) and any other matters the Secretary of Defense considers appropriate.

SEC. 6006. NATIONAL CYBER EXERCISE PROGRAM.

(a) Establishment of Program.—

(1) IN GENERAL.—There is established in the Agency the National Cyber Exercise Program (referred to in this section as the ‘Exercise Program’) to evaluate the National Cyber Incident Response Plan, and other related plans and strategies.

(2) REQUIREMENTS.—

(A) IN GENERAL.—The Exercise Program shall be based on current risk assessments, including credible threats, vulnerabilities, and consequences.

(B) Designed, to the extent practicable, to simulate the partial or complete incapacitation of a government or critical infrastructure network resulting from a cyber incident;

(C) designed to provide for the systematic evaluation of cyber readiness and enhance operational understanding of the incident response system and relevant information sharing agreements; and

(D) designed to promptly develop after-action reports and plans that can quickly incorporate lessons learned into future operations.

(b) Model Exercise Selection.—The Exercise Program shall—

(1) include a selection of model exercises that government and private entities can readily adapt for use; and

(2) aid such governments and private entities with the design, implementation, and evaluation of exercises that—

(I) conform to the requirements described in subparagraph (A);

(II) are consistent with any applicable national, State, local, or Tribal strategy or plan; and

(III) provide for systematic evaluation of resiliency.

(c) Consultation.—In carrying out the Exercise Program, the Director may consult with appropriate representatives from Sector Risk Management Agencies, the Office of the National Cyber Director, cybersecurity research stakeholders, and Sector Coordinating Councils.

(d) Definitions.—In this section:

(1) STATE.—The term ‘State’ means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States.

(2) PRIVATE ENTITY.—The term ‘private entity’ has the meaning given such term in section 102 of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501).

(3) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect the authority or responsibilities of the Administrator of the Federal Emergency Management Agency pursuant to section 608 of the Post-Katrina Emergency Management Act of 2006 (6 U.S.C. 748)."
SEC. 6010. COMMISSION ON PLANNING, PROGRAMMING, BUDGETING, AND EXECUTION REFORM RECOMMENDATIONS AND REPORT.

In section 6010(d) of this division—
(1) subparagraphs (F), (G), and (H) are deemed to be redesignated subparagraphs (G), (H), and (I), respectively; and
(2) there is added the following new subparagraph (F):
(‘‘P) A review of the financial management systems of the Department of Defense, including the use of 3rd party and past and planned investments, and recommendations related to replacing, modifying, and improving such systems to ensure that the financial management and related processes of the Department ensure effective internal control and the ability to achieve auditable financial statements and meet other financial management and operational needs.’’.

SEC. 6011. BRIEFING ASSESSING THE FEASIBILITY OF DELAYS DELIVERY OF BUDGET DETAILS FOR A CERTAIN SUBSET OF DEPARTMENT OF DEFENSE BUDGET.

(a) IN GENERAL.—Not later than June 1, 2022, the Department of Defense shall deliver to Congress a briefing assessing the feasibility of delaying delivery of the President’s budget to Congress.

(b) CONSIDERATIONS.—In preparing the evaluation required for the report, the Secretary shall take—
(1) the need for mitigation of adverse environmental impacts, or impacts to the health and safety of local populations, in the de-militarization of unserviceable munitions abroad; and
(2) the availability and ease of use of munitions demilitarization technologies and mechanisms abroad, whether or not cur-rently in use for the demilitarization of unserviceable munitions.

(c) TECHNOLOGIES.—If the Secretary determines for purposes of the report that the demilitarization of unserviceable munitions abroad is feasible and advisable, the report shall include a description and assessment of various technologies and other mechanisms that would be suitable for such demilitarization.

SEC. 6008. ELIGIBILITY OF CERTAIN INDIVIDUALS WHO SERVED WITH SPECIAL GUERILLA UNITS OR IRREGULAR FORCES IN LAOS FOR INTERMENT IN NATIONAL CEMETERIES.

(a) In General.—Section 249a(10) of title 38, United States Code, is amended—
(1) by striking the period at the end and inserting ‘‘; or’’; and
(2) by adding at the end the following new subparagraph:
’n (B) who—
’’(i) the Secretary determines served honorably with a special guerrilla unit or irregular forces operating from a base in Laos in support of the Armed Forces at any time during the period beginning on February 28, 1961, and ending on May 7, 1975; and
’’(ii) at the time of the individual’s death—
’’(I) was a citizen of the United States or an alien lawfully admitted for permanent residence in the United States; and
’’(II) resided in the United States.’’.

(b) Effective Date.—The amendments made by this section shall have effect as if included as part of the amendment made by section 1282 of title II of the Military Construction, Vet-erans Affairs, and Related Agencies Appropriations Act, 2018 (division J of Public Law 115–141; 132 Stat. 2341).

SEC. 6009. REQUIREMENT TO POST A 100 WORD SUMMARY TO REGULATIONS.GOV.

Section 553(b) of title 5, United States Code, is amended—
(1) in paragraph (2), by striking ‘‘and’’ at the end;
(2) in paragraph (3), by striking the period at the end and inserting ‘‘; and’’; and
(3) by inserting after paragraph (3) the follow-
(‘‘d) The Internet address of a summary of not more than 100 words in length of the proposed rule, in plain language, that shall be posted on the Internet website under section 206(d) of the E-Government Act of 2002 (44 U.S.C. 3501 note) (commonly known as regulations.gov).’’.

SEC. 6013. UNITED STATES-ISRAEL CYBERSECURITY AGREEMENT ENHANCEMENT.

(a) SHORT TITLE.—This section may be cited as the ‘‘United States-Israel Cybersecurity Cooperation Enhancement Act of 2021.’’

(b) DEFINITIONS.—In this section—
(1) the term ‘‘cybersecurity research’’ means research, including social science research, into ways to identify, protect against, detect, respond to, and recover from cybersecurity threats;
(2) the term ‘‘cybersecurity technology’’ means technologies intended to identify, protect against, detect, respond to, and recover from cybersecurity threats;
(3) the term ‘‘cybersecurity threat’’ has the meaning given the term in section 102 of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501);
(4) the term ‘‘Department’’ means the De-partment of Homeland Security;
(5) 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); and
(6) the term ‘‘Secretary’’ means the Secre-tary of Homeland Security.

(c) GRANT PROGRAM.—
(1) In General.—The Secretary, in ac-cordance with the agreement entitled 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 Secu-rity Matters’’, dated May 29, 2008 (or suc-cessor agreement), and the requirements specified in paragraph (2), shall establish a grant program at the Department to sup-port—
(A) cybersecurity research and develop-ment; and
(B) demonstration and commercialization of cybersecurity technology.

(2) REQUIREMENTS.—
(A) APPLICABILITY.—Notwithstanding any other provision of law, in carrying out a re-search, development, demonstration, or com-mercial application program or activity described in subparagraph (A) to be provided by a non-Federal source.

(B) MERIT REVIEW.—In carrying out a re-search, development, demonstration, or com-mercial application program or activity that is authorized under this section, awards shall be made only after an impartial review of the scientific and technical merit of the pro-posal, for the awards has been carried out by or for the Department.

(C) ADVICE BOARD.—In carrying out a re-search, development, demonstration, or com-mercial application program or activity that is authorized under this section, the Secretary shall establish an advisory board to—
(i) monitor the method by which grants are awarded under this subsection; and
(ii) provide to the Secretary periodic perfor-mance reviews of actions taken to carry out this subsection.

(D) ELIGIBLE APPLICANTS.—An applicant shall be eligible to receive a grant under this subsection if—
(A) the project of the applicant—
(i) addresses a requirement in the area of cybersecurity research or cybersecurity technology, as determined by the Secretary; and
(ii) is a joint venture between (I) a for-profit business entity, academic institution, National Laboratory, or nonprofit entity in the United States; and
(bb) the Government of Israel; and
(bb) the Government of Israel; and
(B) neither the applicant nor the project of the applicant poses a counterintelligence threat, as determined by the Director of National Intelligence.

(E) APPLICATIONS.—To be eligible to receive a grant under this subsection, an applicant shall submit to the Secretary an application for the grant in accordance with procedures established by the Secretary, in consultation with the advisory board established under paragraph (5).

(F) ADVISORY BOARD.—
(A) ESTABLISHMENT.—The Secretary shall establish an advisory board to—
(i) monitor the method by which grants are awarded under this subsection; and
(ii) provide to the Secretary periodic perfor-mance reviews of actions taken to carry out this subsection.

(B) COMPOSITION.—The advisory board established under paragraph (A) shall be composed of 3 members to be appointed by the Secretary, of whom—
(I) 1 shall be a representative of the Federal Government;
(II) shall be selected from a list of nomini-nees provided by the United States-Israel Bi-national Science Foundation; and
(iii) 1 shall be selected from a list of nominees provided by the United States-Israel Bi-national Industrial Research and Development Foundation.

(b) CONTINUED FUNDS.—Notwithstanding any other provision of law—

(A) the Secretary may accept or retain funds contributed by any person, government, or organization for purposes of carrying out this subsection; and

(B) the funds described in subparagraph (A) shall be available, subject to appropriation, without regard to fiscal limitation.

(7) REPORTS.—

(A) GRANT RECIPIENTS.—Not later than 180 days after completion of a project for which a grant is provided under this subsection, the grant recipient shall submit to the Secretary a report that contains—

(i) a description of how the grant funds were used by the recipient; and

(ii) an evaluation of the level of success of each project funded by the grant.

(B) UNITED STATES GRAND STRATEGY WITH RESPECT TO CHINA.—

(1) In general.—Not later than 30 days after the date on which the President first submits to Congress a national security strategy under section 108 of the National Security Act of 1947 (50 U.S.C. 3043) after the date of the enactment of this Act, the President shall submit to Congress the China Strategy developed under paragraph (1).

(3) Form.—The China Strategy shall be submitted in classified form and shall include an unclassified summary.

(c) UNITED STATES GRAND STRATEGY TO CHINA.—

(A) FINDINGS; SENSE OF CONGRESS.—Congress finds the following:

(1) The strategy of the People’s Republic of China is a major security concern of the United States.

(2) The People’s Republic of China is an emerging great power that seeks to challenge international rules and norms, laws and institutions, and confront the United States and our allies and partners.

(B) Appointment of Members to Board.—Not later than 180 days after the date on which the President first submits to Congress a national security strategy under section 108 of the National Security Act of 1947 (50 U.S.C. 3043) after the date of the enactment of this Act, the President shall submit to Congress a list of 15 individuals for the Board, at least 5 of whom shall be selected from the list submitted in classified form and shall in- clude an unclassified summary.

(B) EQUIVALENT ELEMENTS OF NATIONAL POWER.—

(1) The strategy of the People’s Republic of China is a major security concern of the United States.

(2) The People’s Republic of China is an emerging great power that seeks to challenge international rules and norms, laws and institutions, and confront the United States and our allies and partners.

(3) The United States is in a new era of great power competition with the People’s Republic of China, including assumptions, capabilities, strategy, and end-state or end-state.

(4) COMPOSITION.—(A) RECOMMENDATIONS.—Not later than 30 days after the date on which the President first submits to Congress a national security strategy under section 108 of the National Security Act of 1947 (50 U.S.C. 3043) after the date of the enactment of this Act, the major- ity leader of the Senate, the minority leader of the House of Representatives, and the minority leader of the House of Representatives shall each pro- vide to the President a list of at not fewer than 10 candidates for membership on the Board, of whom 5 shall be individ- uals in the private sector and 5 of whom shall be individuals in academia or employed by a nonprofit research institution.

(B) MEMBERSHIP.—The Board shall be com- posed of 9 members appointed by the Presi- dent as follows:

(i) The National Security Advisor or such other designee as the President considers appropriate, such as the Asia Coordinator from the National Security Council.

(ii) Four shall be selected from among indi- viduals in the private sector.

(iii) Four shall be selected from among indi- viduals in academia or employed by a non- profit research institution.

(iv) Two members should be selected from among individuals included in the list sub- mitted by the majority leader of the Senate under subparagraph (A), of whom—

(I) one should be selected from among individuals in the private sector; and

(II) one should be selected from among individuals in academia or employed by a non- profit research institution.

(v) Two members should be selected from among individuals included in the list sub- mitted by the minority leader of the Senate under subparagraph (A), of whom—

(I) one should be selected from among individuals in the private sector; and

(II) one should be selected from among individuals in academia or employed by a non- profit research institution.
(vi) Two members shall be selected from among individuals included in the list submitted by the Speaker of the House of Representatives under subparagraph (A), or whom—

(I) one shall be selected from among individuals in the private sector; and

(II) one shall be selected from among individuals currently employed by a nonprofit research institution.

(vii) Two members shall be selected from among individuals included in the list submitted by the minority leader of the House of Representatives under subparagraph (A), of whom—

(I) one shall be selected from among individuals in the private sector; and

(II) one shall be selected from among individuals in academia or employed by a nonprofit research institution.

(C) CHAIRPERSON.—The Chairperson of the Board shall be the member of the Board appointed under subparagraph (B)(i).

(D) NONGOVERNMENTAL MEMBERSHIP; PERIOD OF APPOINTMENT; VACANCIES.—

(1) NONGOVERNMENTAL MEMBERSHIP.—Except in the case of the Chairperson of the Board, an individual appointed to the Board may not be an officer or employee of an instrumentality of government.

(ii) PERIOD OF APPOINTMENT.—Members shall be appointed for the life of the Board.

(iii) VACANCIES.—A vacancy on the Board shall be filled in the same manner as the original appointment.

(5) DEADLINE FOR APPOINTMENT.—Not later than 60 days after the date on which the President first submits to Congress a national security strategy under section 108 of the National Security Act of 1947 (50 U.S.C. 2420) after the date of enactment of this Act, the President shall—

(A) appoint the members of the Board pursuant to paragraph (4); and

(B) submit to Congress a list of the members so appointed.

(6) EXPERTS AND CONSULTANTS.—The Board is authorized to procure temporary and intermittent services under section 3109 of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay under Federal pay laws at the time of appointment, on an expenses-only basis.

(7) SECURITY CLEARANCES.—The appropriate Federal departments or agencies shall cooperate with the Board in expeditiously providing to the Board members and experts and consultants appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person may be provided with access to classified information under this Act without the appropriate security clearances.

(8) RICKSHUT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall only be received, handled, stored, and disseminated by members, officers, and any experts and consultants consistent with all applicable statutes, regulations, and Executive orders.

(9) NONAPPLICABILITY OF CERTAIN REQUIREMENTS.—For purposes of subsection (c) in which such as- signments are made, all requirements contained in section (c) to help such agencies to identify, track, and improve their forensics detection capabilities with respect to covered synthetic drugs shall be considered to be covered synthetic drugs.

(b) APPLICABILITY OF COMMEMORATIVE WORKS ACT.—Except as provided in subsection (a), section 802(a) of title 40, United States Code (commonly known as the “Commemorative Works Act”), shall apply to the Memorial.

Subtitle B—Combating Synthetic Drugs

SEC. 6021. SHORT TITLE.

This subtitle may be cited as the “Fighting Emerging Narcotics Through Additional Regulations to Intercept Drugs Act” or the “FENTANYL Results Act”.

SEC. 6022. PRIORITIZATION OF EFFORTS OF THE DEPARTMENT OF STATE TO COMBAT INTERNATIONAL TRAFFICKING IN COVERED SYNTHETIC DRUGS.

(a) IN GENERAL.—The Secretary of State shall prioritize efforts of the Department of State to combat international trafficking of covered synthetic drugs by carrying out programs and activities to include the following:

(1) Supporting increased data collection by the United States and foreign countries on populations, increased use of wastewater testing where appropriate, and multilateral sharing of that data.

(2) Engaging in increased consultation and partnership with international drug agencies, including the European Monitoring Centre for Drugs and Drug Addiction, regulatory authorities in the United States, and the United Nations Office on Drugs and Crime.

(3) Carrying out programs to provide technical assistance and equipment, as appropriate, to foreign law enforcement agencies with respect to covered synthetic drugs, as required by section 6023.

(4) Carrying out exchange programs for governmental and nongovernmental personnel in the United States and in foreign countries to provide educational and professional development on demand reduction matters relating to the illicit use of covered synthetic drugs and other drugs, as required by section 6024.

(b) REPORT.—In general.—Not later than one year after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on the implementation of this section.

(ii) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term “appropriate congressional committees” means—

(A) the Committee on Foreign Relations and the Committee on Appropriations of the Senate; and

(B) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

SEC. 6023. PROGRAM TO PROVIDE ASSISTANCE TO BUILD THE CAPACITY OF FOREIGN LAW ENFORCEMENT AGENCIES WITH RESPECT TO COVERED SYNTHETIC DRUGS.

(a) IN GENERAL.—Notwithstanding section 602(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2251), the Secretary of State shall establish a program to provide assistance to strengthen the capacity of law enforcement agencies of the countries described in subsection (c) to help such agencies to identify, track, and improve their forensics detection capabilities with respect to covered synthetic drugs.

(b) PRIORITIZATION.—The Secretary of State shall prioritize technical assistance, and the provision of equipment, as appropriate, to the countries described in subsection (c) in which such assistance and equipment would have the most impact on the most producers of covered synthetic drugs in the United States.

(c) COUNTRIES DESCRIBED.—Foreign countries described in this subsection are—

(1) countries whose pharmaceutical and chemicals are known to be exploited for development or procurement of precursors of covered synthetic drugs; or

(2) major drug-transit countries for covered synthetic drugs as defined by the Secretary of State.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of State to carry out this section $1,000,000 for each of fiscal years 2022 through 2026. Such amounts shall be in addition to amounts otherwise available for such purposes.

SEC. 6024. EXCHANGE PROGRAM ON DEMAND REDUCTION MATTERS RELATING TO ILLICIT USE OF COVERED SYNTHETIC DRUGS.

(a) IN GENERAL.—The Secretary of State shall establish or continue, and strengthen, an exchange program for governmental and nongovernmental personnel in the United States and in foreign countries to provide educational and professional development on demand reduction matters relating to the illicit use of covered synthetic drugs and other drugs.

(b) PROGRAM REQUIREMENTS.—The program required by subsection (a) shall be limited to individuals who have expertise and experience in matters described in subsection (a).

(ii) In the case of international exchange programs, such as the International Visitor Leadership Program, in coordination with the Bureau of International Narcotics and Law Enforcement Affairs, and

(3) shall include outbound exchanges for governmental or nongovernmental personnel in the United States.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of State to carry out this section $1,000,000 for each of fiscal years 2022 through 2026. Such amounts shall be in addition to amounts otherwise available for such purposes.

SEC. 6025. AMENDMENTS TO INTERNATIONAL NARCOTICS CONTROL PROGRAM.

(a) INTERNATIONAL NARCOTICS CONTROL STRATEGY REPORT.—Section 489 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(a)) is amended by inserting after paragraph (9) the following new paragraph:

“(10) COVERED SYNTHETIC DRUGS AND NEW PSYCHOACTIVE SUBSTANCES—”

“(C) COVERED SYNTHETIC DRUGS.—Information that contains an assessment of the
countries significantly involved in the manufacture, production, transshipment, or trafficking of covered synthetic drugs, to include the following:

(i) Information on any law enforcement assessments of the scale of illegal production of such drugs, including a description of the capacity of illegal laboratories to produce such drugs.

(ii) Information on the extent practicable, any policies responding to new psychoactive substances, to include the following:

(A) The term ‘new psychoactive substance’ means a substance of abuse, or any preparation thereof, that—

(A) is not—

(1) included in any schedule as a controlled substance under the Controlled Substances Act (21 U.S.C. 802(6)), including a fentanyl or a fentanyl analogue; or

(B) a new psychoactive substance.

(ii) the circumstances under which employees may be permitted to temporarily perform work requirements and duties from approved overseas locations.

Section 706(b) of the Foreign Service Act of 1980 (22 U.S.C. 4026(b)) is amended—

(1) in paragraph (2)—

(A) by striking ‘‘means a country in which—’’;

(B) by redesignating subparagraphs (A), (B), and (C) as clauses (1), (2), and (3), respectively, and moving such clauses, as so redesignated, two ems to the right;

(C) in subparagraph (A)(i)(II), as redesignated by this paragraph, by striking the semicolon at the end and inserting ‘‘; or’’;

and

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

‘‘(B) a country which is a significant direct source of covered synthetic drugs or psychoactive drugs or other controlled substances significantly affecting the United States;’’;

(2) by amending paragraph (5) to read as follows:

‘‘(5) The Secretary shall implement such measures as the Secretary considers necessary to provide an eligible family member who applies for a vacant position in the Department is located in the same country as that in which the position is located; and’’;

and

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

‘‘(C) poses a threat to the public health and safety.’’

SEC. 6031. SHORT TITLE.

This subtitle may be cited as ‘‘the Foreign Service Families Act of 2021’’.

SEC. 6032. TELECOMMUTING OPPORTUNITIES.

(a) DETO POLICY.—

(1) IN GENERAL.—Each Federal department and agency shall establish a policy enumerating the circumstances under which employees may be permitted to temporarily perform work requirements and duties from approved overseas locations where there is a related Foreign Service assignment pursuant to an approved Domestic Employment Teleworking Overseas (DETO) agreement.

(2) PARTICIPATION.—The policy described under paragraph (1) shall—

(A) ensure that telework does not diminish employee performance or agency operations;

(B) require a written agreement that—

(i) is entered into between an agency manager and an employee authorized to telework, that outlines the specific work arrangement that is agreed to; and

(ii) is maintained by the agency for any employee to participate in telework;

(C) provide that an employee may not be authorized to telework if the performance of the employee's duties is contrary to the terms of the written agreement between the agency manager and that employee;

(D) except in emergency situations as determined by the agency, not apply to any employee of the agency whose official duties require on at least a monthly basis—

(i) direct handling of secure materials determined to be inappropriate for telework by the agency head; or

(ii) on-site activity that cannot be handled remotely or at an alternate worksite;

(E) be incorporated as part of the contingency plans of operations plans of the agency in the event of an emergency; and

(F) enumerate the circumstances under which employees may be permitted to temporarilly perform work requirements and duties from approved overseas locations.

(b) ACCESS TO ICASS SYSTEM.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall provide an eligible family member who applies for a position in the Department is located in the overseas country of assignment of their sponsoring employee;

(B) to ensure that notice of any vacant position in the Department is provided in a manner reasonably designed to reach eligible family members of sponsoring employees whose permanent duty stations are in the same country as that in which the position is located; and

(C) to ensure that an eligible family member who applies for a position in the Department shall, to the extent practicable, be considered for any such position located in the same country as the permanent duty station of their sponsoring employee.

SEC. 6033. EMPLOYMENT AND EDUCATION PROGRAMS FOR ELIGIBLE FAMILY MEMBERS OF MEMBERS OF THE FOREIGN SERVICE.

The Secretary may work with the Director of the Office of Personnel Management and the heads of other Federal departments and agencies to expand and facilitate the use of existing Federal programs and resources in support of eligible family member employment.
SEC. 6201. CLARIFICATION OF REQUIREMENTS FOR CONTRIBUTIONS BY PARTICIPANTS IN THE AMERICAN, BRITISH, AND CAUCASIAN ARMS CONTROL PROGRAM.

Subject to the same conditions and limitations as those for payments made under subparagraph (B) or (C)(ii) shall be—

(1) in the case of salaries and travel and subsistence expenses described in subparagraph (B); or

(3) for use in support of the Program other than for the acquisition of personal property.

(4) For contributions made by the participating country to meet that country's share of the costs of the Program. The costs for facilities and equipment and administrative costs related to the Program, except the costs for facilities and equipment and supplies described in subparagraph (A); and

(5) for the Program, except the costs for the Program, including—

(i) payments for any damages or costs for the Program; and

(2) the Committee on Appropriations of the House of Representatives.

The terms governing the termination of residential or motor vehicle leases and telephone service contracts described in sections 305 and 305A, respectively of the Servicemembers Civil Relief Act (50 U.S.C. 4035 and 4035A, respectively of title 10, United States Code) shall apply in the same manner to the same extent to members of the Foreign Service who were posted abroad at a Foreign Service post in accordance with this Act.

(b) Clerical Amendment.—The table of contents in section 2 of the Foreign Service Act of 1980 is amended by inserting after the item relating to section 906 the following new item:

"II" subject to the same conditions and limitations as those for payments made under subparagraph (B) or (C)(ii).
“(III) payments or reimbursements for other Program expenses; or
(IV) requests to other participating countries;” ; and
(2) Interagency subsection (g).

SEC. 6202. SENSE OF CONGRESS ON INTEROPERABILITY WITH TAIWAN.

It is the sense of Congress that, consistent with the Taiwan Relations Act (Public Law 96-8; 22 U.S.C. 3301 et seq.) and the Six Assurances, the United States should seek to support the goals of—
(1) maintaining asymmetric defense capabilities of Taiwan;
(2) bolstering deterrence to preserve peace, security, and stability across the Taiwan Strait; and
(3) deepening interoperability with Taiwan in defense capabilities, including in—
(A) maritime and air domain awareness; and
(B) integrated air and missile defense systems.

SEC. 6203. BRIEFING ON PROGRAMMING AND BUDGETING FOR THE PACIFIC DETERRENCE INITIATIVE.

(a) BRIEFING.—Not later than 60 days after the date of enactment of this Act, the Deputy Secretary of Defense shall provide to the congressional defense committees a briefing on the processes and guidance used to program and budget for the Pacific Deterrence Initiative, including—
(1) the allocation of fiscal toplines in the program objective memorandum process to support the Pacific Deterrence Initiative at the outset of the process;
(2) the role of the combatant commanders in setting requirements for the Pacific Deterrence Initiative;
(3) the role of the military departments and other components of the Armed Forces in proposing programmatic options to meet such requirements;
(4) the role of the combatant commanders, the military departments and other components of the Armed Forces in proposing programmatic options to meet such requirements; (the processes and guidance used to program and budget for the Pacific Deterrence Initiative align, as appropriate, with the processes and guidance used to program and budget for the European Deterrence Initiative); and
(5) the military departments and other components of the Armed Forces in proposing programmatic options to meet such requirements.

(b) GUIDANCE.—In establishing program objective memorandum guidance for fiscal year 2024, the Deputy Secretary of Defense shall ensure that the processes and guidance used to program and budget for the Pacific Deterrence Initiative align, as appropriate, with the processes and guidance used to program and budget for the European Deterrence Initiative.

(c) ENACTMENT.—The enactment of this Act shall not affect the powers of the Committees of the House of Representatives; or the Senate; or the Committee on Armed Services of the House of Representatives; or the Committee on Armed Services of the Senate.

(d) PURPOSE OF COMMISSION.—The purpose of the Commission is—
(1) to examine the key strategic, diplomatic, and operational decisions that pertain to the war in Afghanistan during the relevant period, including decisions, assessments, and events that preceded the war in Afghanistan; and
(2) to develop a series of lessons learned and recommendations for the way forward that will inform future decisions by Congress and policymakers throughout the United States Government.

(e) DUTIES OF COMMISSION.—The duties of the Commission include—
(1) study—
(A) in general.—The Commission shall conduct a thorough study of all matters relating to combat operations, reconstruction and security force assistance activities, intelligence operations, and diplomatic activities in the United States pertaining to the Afghanistan during the period beginning September 1, 1996, and ending August 30, 2021.

(F) the Committee on Foreign Affairs of the House of Representatives;
(G) the Permanent Select Committee on Intelligence of the House of Representatives; and
(H) the Committee on Appropriations of the House of Representatives.

(2) Members.—The term "appropriate congressional committees" includes—
(i) the Committee on Armed Services of the Senate;
(ii) the Committee on Armed Services of the House of Representatives;
(iii) the Committee on Foreign Relations of the Senate;
(iv) the Committee on Foreign Relations of the House of Representatives;
(v) the Permanent Select Committee on Intelligence of the Senate;
(vi) the Permanent Select Committee on Intelligence of the House of Representatives;
(vii) the Committee on Homeland Security of the Senate;
(viii) the Committee on Homeland Security of the House of Representatives; and
(ix) the Committee on Appropriations of the Senate.

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(G) the Permanent Select Committee on Intelligence of the House of Representatives; and
(H) the Committee on Appropriations of the House of Representatives.

(2) Members.—The term "appropriate congressional committees" includes—
(i) the Committee on Armed Services of the Senate;
(ii) the Committee on Armed Services of the House of Representatives;
(iii) the Committee on Foreign Relations of the Senate;
(iv) the Committee on Foreign Relations of the House of Representatives;
(v) the Permanent Select Committee on Intelligence of the Senate;
(vi) the Permanent Select Committee on Intelligence of the House of Representatives;
(vii) the Committee on Homeland Security of the Senate;
(viii) the Committee on Homeland Security of the House of Representatives; and
(ix) the Committee on Appropriations of the Senate.

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(A) in general.—The Commission shall conduct a thorough study of all matters relating to combat operations, reconstruction and security force assistance activities, intelligence operations, and diplomatic activities in the United States pertaining to the Afghanistan during the period beginning September 1, 1996, and ending August 30, 2021.
and an estimate of the timeline for declassification of such items.

(f) POWERS OF COMMISSION.—

(1) HEARINGS.—The Commission may hold such hearings, take such evidence as the Commission considers necessary to carry out its purpose and functions under this section.

(2) ASSISTANCE FROM FEDERAL AGENCIES.—

(A) INFORMATION.—

(i) IN GENERAL.—The Commission may secure directly from a Federal department or agency such information from any Federal department or agency as the Commission considers necessary to carry out this section.

(ii) FURNISHING INFORMATION.—Upon receipt of a written request by the Co-Chairperson of the Commission, the head of the department or agency shall expeditiously furnish the information to the Commission.

(B) SPACE FOR COMMISSION.—Not later than 30 days after the date of the enactment of this Act, the Administrator of General Services, in consultation with the Commission, shall identify and make available suitable excess space within the Federal space inventory to house the operations of the Commission. If the Administrator of General Services is not able to make such suitable excess space available within the 30-day period, the Commission may lease space to the extent that funds are available for such purpose.

(C) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(D) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services, goods, and property from non-Federal entities for the purpose of aiding and facilitating the work of the Commission. The authority in this subsection does not extend to gifts of money. Gifts accepted under this authority shall be documented to ensure that any gift, interest or the appearance of conflicts of interest shall be avoided. Subject to the authority in this section, commissioners shall otherwise comply with rules set forth by the Select Committee on Ethics of the Senate and the Committee on Ethics of the House of Representatives governing employees of the Senate and the House of Representatives.

(5) LEGISLATIVE ADVISORY COMMITTEE.—

The Commission shall operate as a legislative advisory committee and shall not be subject to the provisions of the Legislative Advisory Committee Act (Public Law 92–463; 5 U.S.C. App) or section 552b, United States Code (commonly known as the Government in the Sunshine Act).

(g) COMMISSION PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—A member of the Commission who is not an officer or employee of the Federal Government 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 5317 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 Commission.

(2) TRAVEL EXPENSES.—A member of the Commission 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 Commission.

(3) STAFF.—

(A) STATUS AS FEDERAL EMPLOYEES.—Notwithstanding the requirements of section 5545 of title 5, United States Code, the President, including the required supervision under subsection (a)(3) of such section, the members of the
commission shall be deemed to be Federal employees.

(B) EXECUTIVE DIRECTOR.—The Commission shall appoint and fix the rate of basic pay for an Executive Director in accordance with section 3161(d) of title 5, United States Code.

(C) PAY.—The Executive Director, with the approval of the Commission, may appoint and fix the rate of basic pay for additional personnel as staff of the Commission in accordance with section 3161(d) of title 5, United States Code.

(4) PAY OF GOVERNMENT EMPLOYEES.—A Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(5) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Co-Chairpersons of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(b) TERMINATION OF COMMISSION.—The Commission shall terminate 90 days after the date on which the Commission submits the report required under subsection (e)(2)(A)(ii).

(1) AUTHORIZATION OF APPROPRIATIONS.—(1) INCREASE.—The amount authorized to be appropriated by section 4301 for Operation and Maintenance, Defense-wide, for the Office of the Secretary of Defense, is hereby increased by $5,000,000.

(2) OFFSET.—The amount authorized to be appropriated by section 4301 for Operation and Maintenance, Afghanistan Security Forces Support Fund, for Afghanistan Air Force, Line 090, is hereby reduced by $3,000,000.

SEC. 6205. SENSE OF SENATE ON CONTINUING SUPPORT FOR ESTONIA, LATVIA, AND LITHUANIA

Section 1236 is hereby deemed to read as follows:

"SEC. 1236. SENSE OF SENATE ON CONTINUING SUPPORT FOR ESTONIA, LATVIA, AND LITHUANIA.

"It is the sense of the Senate that—

"(1) the security of the Baltic region is crucial to the security of the North Atlantic Treaty Organization alliance, and the United States should continue to prioritize support for efforts by the Baltic states of Estonia, Latvia, and Lithuania to build and invest in critical security areas, as such efforts are important to achieving United States national security objectives, including deterring Russian aggression and bolstering the security of North Atlantic Treaty Organization allies;

"(2) robust support to accomplish United States strategic objectives, including by providing assistance to the Baltic countries through security cooperation referred to as the Baltic Security Initiative pursuant to sections 3 and 333 of title 10, United States Code, should be prioritized in the years to come;

"(3) Estonia, Latvia, and Lithuania play a crucial role in strategic efforts—

"(A) to deter the Russian Federation; and

"(B) to maintain the collective security of the North Atlantic Treaty Organization alliance;

"(4) the United States should continue to pursue efforts consistent with the comprehensive, multilateral assessment of the military forces of Estonia, Latvia, and Lithuania provided to Congress in December 2020;

"(5) the Baltic security cooperation roadmap is a successful model, and the United States should continue to enhance intraregional Baltic planning and cooperation, particularly with respect to longer-term regional capacity projects, including—

"(A) integrated air defense;

"(B) maritime domain awareness;

"(C) comprehensive, multilateral information sharing; and

"(D) Special Operations Forces development;

"(6) Estonia, Latvia, and Lithuania are to be commended for their efforts to pursue joint procurement of select defense capabilities and shared other areas for joint collaboration; and

"(7) the Department of Defense should—

"(A) continue robust, comprehensive investment in Baltic security efforts consistent with the assessment described in paragraph (4);

"(B) continue efforts to enhance interoperability among Estonia, Latvia, and Lithuania and in support of North Atlantic Treaty Organization efforts;

"(C) encourage infrastructure and other host-country support improvements that will enhance United States and allied military mobility across the region;

"(D) invest in efforts to improve resilience to hybrid threats and cyber defenses in Estonia, Latvia, and Lithuania; and

"(E) support planning and budgeting efforts of Estonia, Latvia, and Lithuania that are regionally synchronized.

SEC. 6206. REVIEW OF PORT AND PORT-RELATED INFRASTRUCTURE PURCHASES AND INVESTMENTS MADE BY THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA AND ENTITIES DIRECTED OR BACKED BY THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) IN GENERAL.—The Secretary of State, in coordination with the Director of National Intelligence, the Secretary of Defense, and the head of any other agency the Secretary of State considers necessary, shall conduct a review of port and port-related infrastructure purchases and investments critical to the interests and national security of the United States made by—

"(1) the Government of the People's Republic of China;

"(2) entities directed or backed by the Government of the People's Republic of China; and

"(3) entities with beneficial owners that include the Government of the People's Republic of China or a private company controlled by the Government of the People's Republic of China.

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

"(1) A list of port and port-related infrastructure purchases and investments described in that subsection, prioritized in order of the purchases or investments that pose the greatest threat to United States economic, defense, and foreign policy interests.

"(2) An analysis of the effects the consolidation of such investments, or the assertion of control by the Government of the People's Republic of China over entities described in paragraph (2) or (3) of that subsection, would have on the Department of State, Office of the Director of National Intelligence, and Department of Defense contingency plans.

"(3) A description of past and planned efforts by the Secretary of State, the Director of National Intelligence, and the Secretary of Defense to address such purchases, investments, and consolidation of investments or assertion of control.

(c) COORDINATION WITH OTHER FEDERAL AGENCIES.—In conducting the review required by subsection (a), the Secretary of State may coordinate with or direct the action of any other Federal agency, as the Secretary of State considers appropriate.

(d) REPORT.—

"(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate committees of Congress a report on the results of the review under subsection (a).

"(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

(e) DEFINITIONS.—In this section:

"(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means—

"(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate;

"(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

"(2) PORT.—The term "port" means—

"(A) any port—

"(i) on the navigable waters of the United States; or

"(ii) that is considered by the Secretary of State to be critical to United States interests;

"(B) any harbor, marine terminal, or other shoreside facility used principally for the movement of goods on inland waters that the Secretary of State considers critical to United States interests.

"(3) PORT-RELATED INFRASTRUCTURE.—The term "port-related infrastructure" includes—

"(A) crane equipment;

"(B) logistics, information, and communications systems; and

"(C) other infrastructure the Secretary of State considers appropriate.

SEC. 6207. SUPPORTING DEMOCRACY IN BURMA

(a) DEFINED TERM.—In this section, the term "appropriate congressional committees" means—

"(1) the Committee on Foreign Relations of the Senate;

"(2) the Committee on Foreign Affairs of the House of Representatives;

"(3) the Committee on Appropriations of the Senate;

"(4) the Committee on Appropriations of the House of Representatives;

"(5) the Committee on Armed Services of the Senate;

"(6) the Committee on Armed Services of the House of Representatives;

"(7) the Committee on Banking, Housing, and Urban Affairs of the Senate; and

"(8) the Committee on Financial Services of the House of Representatives.

(b) BRIEFING REQUIRED.—In general.—Not later than 60 days after the date of the enactment of this Act, the following officials shall jointly brief the appropriate congressional committees regarding actions taken by the United States Government to further United States policy and security objectives in Burma (officially known as the ‘‘Republic of the Union of Myanmar’’):

"(A) The Assistant Secretary of State for East Asian and Pacific Affairs.

"(B) The Counselor of the Department of State.

"(C) The Under Secretary of the Treasury for Terrorism and Financial Intelligence.

"(D) The Assistant to the Administrator for the Bureau for Conflict Prevention and Stabilization.

"(E) Additional officials from the Department of Defense or the Intelligence Community as the Secretary of State considers appropriate.

"(2) INFORMATION REQUIRED.—The briefing required under paragraph (1) shall include—
(A) a detailed description of the specific United States policy and security objectives in Burma; (B) information about any actions taken by the United States, either directly or in coordination with other countries—

(i) to support and legitimize the National Unity Government of the Republic of the Union of Myanmar, The Civil Disobedience Movement in Myanmar, and other entities promoting democracy in Burma, while simultaneously denying legitimacy and re-

source to Myanmar’s military junta; and

(ii) to impose costs on Myanmar’s military junta, including—

(I) an assessment of the impact of existing United States and international sanctions; and

(II) a description of potential prospects for additional sanctions;

(iii) to secure the restoration of democ-

racy, the establishment of inclusive and rep-

resentative civilian government, with a re-

formed military reflecting the diversity of Burma and under civilian control, and the enacting of constitutional, political, and economic reform in Burma; (iv) to secure the unconditional release of all political prisoners in Burma; (v) to promote genuine national reconcili-

ation among Burma’s diverse ethnic and reli-

gious groups; (vi) to promote accountability for atrocities, human rights violations, and crimes against humanity committed by Myanmar’s military junta; and

(vii) to avert a large-scale humanitarian dis-

aster;

(C) an update on the current status of United States assistance programs in Burma, including—

(i) humanitarian assistance for affected populations, including internally displaced persons and efforts to mitigate humanitarian and birth crises in neighboring countries and among refugee populations; (ii) democracy assistance, including sup-

port to the National Unity Government of the Republic of the Union of Myanmar and civil society groups in Burma; (iii) economic assistance; and

(iv) global health assistance, including COVID-19 relief; and

(D) a description of the strategic interests in Burma of the People’s Republic of China and the PRC’s support, including—

(i) access to natural resources and lines of communications to sea routes; and

(ii) actions taken by such countries—

(I) to support The United States and Myanmar’s military junta in order to preserve or promote such interests; and

(II) to undermine the sovereignty and ter-

ritorial integrity of Burma; and

(III) to promote ethnic conflict within Burma.

(c) CLASSIFICATION AND FORMAT.—The briefing required under subsection (b)—

(1) shall be provided in an unclassified set-

ting; and

(2) may be accompanied by a separate clas-

sified briefing, as appropriate.

SEC. 6209. UNITED STATES–ISRAEL ARTIFICIAL INTELLIGENCE CENTER.

(a) Short Title.—This section may be cited as the “United States–Israel Artificial Intelligence Center Act.”

(b) Establishment of Center.—The Secretary of State, in consultation with the Secretary of Commerce, the Director of the National Science Foundation, and the heads of other relevant Federal agencies, may es-

tablish the United States–Israel Artificial Intelligence Center (referred to in this sec-

tion as the “Center”) in the United States.

(c) Purpose.—The purpose of the Center shall be to—

(I) enhance the experience, knowl-

edge, and expertise of institutions of higher education and private sector entities in the United States and Israel to develop more ro-

bust research and development cooperation in the areas of—

(1) machine learning;

(2) computer vision; and

(3) natural language processing;

(4) global health assistance, including

(5) natural language processing; and

(6) computer vision; and

(7) model explainability and interpretability.

(d) Armaments Intelligence Principles.—In carrying out the purposes set forth in subsection (c), the Center shall adhere to the principles for the use of artificial intel-

ligence in national security, as set forth in section 3 of Executive Order 13960 (85 Fed. Reg. 78389).

(e) International Partnerships.— (1) In General.—The Secretary of State and the heads of other relevant Federal agencies, subject to the availability of ap-

propriations, shall—

(I) to impose costs on Myanmar’s military junta; and

(II) to support and legitimize the National Unity Government of Israel and its ministries, offices, and institu-

tions.

(2) Federal Share.—Not more than 50 per-

cent of the costs of implementing the agree-

ments entered into pursuant to paragraph (1) may be paid by the United States Government.

(3) Authorization of Appropriations.—There is authorized to be appropriated for the Center $10,000,000 for each of the fiscal years 2022 through 2026.

SEC. 6211. SUBTITLE I: GREECE DEFENSE AND INTERPARLIAMENTARY PARTNERSHIP ACT OF 2021.

SEC. 6211. SHORT TITLE.

This subtitle may be cited as the “U.S.- Greece Defense and Interparliamentary Partnership Act of 2021.”

SEC. 6212. FINDINGS.

Congress makes the following findings:

(1) The United States and Greece are strong allies in the North Atlantic Treaty Organization (NATO) and have deepened their defense relationship in recent years in response to growing security challenges in the Eastern Mediterranean region.

(2) Greece participates in several NATO missions, including Operation Sea Guardian in the Mediterranean and NATO’s mission in Kosovo.

(3) The Eastern Mediterranean Security and Energy Partnership Act (title II of divi-

sion J of Public Law 116–94), authorized new security assistance for Greece and Cyprus, lifted the United States prohibition on arms transfers to Cyprus, and authorized the est-

ablishment of a United States-Eastern Medi-

terranean Energy Center to facilitate en-

ergy cooperation among the United States, Greece, and Israel, and Cyprus.

(4) The United States has demonstrated its support for the 3+1 format, a trilateral partnership of Greece, Israel, and Cyprus through joint en-

gagement with Cyprus, Greece, Israel, and the United States in the ‘3+1’ format.

(5) The United States and Greece have held Strategic Dialogue meetings in Athens, Washington D.C., and virtually, and have committed to hold an upcoming Strategic Dialogue session in 2021 in Washington, D.C.

(6) In October 2019, the United States and Greece agreed to update the United States-Greece Mutual Defense Cooperation Agree-

ment, and Greece lifted the United States official entered into force on February 13, 2020.

(7) The amended Mutual Defense Coopera-

tion Agreement provides for increased joint exercises and training opportunities at Greek military bases and facilities in Larissa, Stefanovikio, Alexandroupolis, and other parts of central and northern Greece, and allows for infrastructure improvements at the United States Naval Support Activity Souda Bay base on Crete.

(8) In October 2020, Greek Foreign Minister Nikos Dendias announced that Greece hopes to further expand the Mutual Defense Co-

operation Agreement with the United States.

(9) United States-Greece joint exercises and Energy Cooperation at Souda Bay serve as a critical naval logistics hub for the United States Navy’s 6th Fleet.

(10) In June 2020, United States Ambas-

sador to Greece Geoffrey Pyatt characterized the importance of Naval Support Activity Souda Bay as “our most important platform for projecting American power into a strategically dynamic Eastern Mediterrane-

an region. From Syria to Libya to the Black Sea, this is a criti-

cally important asset for the United States, as our air force, naval, and other resources are applied to support our Alliance obliga-

tions and to bring peace and stability.”

(11) The USG Hershel “Woody” Williams, the second of a new class of United States sea-basing ships, is now based out of Souda Bay, the first permanent United States naval deployment at the base.

(12) The United States cooperates with the Hellenic Armed Forces at facilities in Larissa, Stefanovikio, and Alexandroupolis, where the United States has con-

ducted training, refueling, temporary mainte-

nance, storage, and emergency response.

(13) The United States has conducted a longstanding International Military Edu-

cation and Training (IMET) program with Greece, and the Government of Greece has committed to provide $3 for every dollar in-

vested by the United States in the program.

(14) Greece’s defense spending in 2020 amounted to an estimated 2.58 percent of its gross domestic product (GDP), exceeding NATO’s 2 percent of GDP goal agreed to at the 2014 NATO Summit in Wales.

(15) Greece is eligible for the delivery of ex-

cess defense articles under section 516(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321(c)(2)).

(16) In September 2020, Greek Prime Min-

ister Kyriakos Mitsotakis announced plans to modernize the Hellenic Armed Forces, which will strengthen Greece’s military position in the Eastern Mediterranean.

(17) The modernization includes upgrades to the arms of all three branches, including new anti-tank weapons for the Hellenic Army, new heavy-duty torpedoes for the Hel-

lenic Navy, and new guided missiles for the Hellenic Air Force.

(18) The Hellenic Navy also plans to up-

grade its four MEKO 200HN frigates and pur-

chase four new multirole frigates of an un-

disclosed type, to be accompanied by 4 MH-

60R anti-submarine helicopters.

(19) The Hellenic Air Force plans to fully up-

grade its fleet of F-16 jets to the F-16 Viper variant by 2027 and has expressed in-

terest in participating in the F-35 Joint Strike Fighter program.

SEC. 6213. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) Greece is a pillar of stability in the Eastern Mediterranean region and the United States should remain committed to supporting its security and prosperity;

(2) the 3+1 format of cooperation among Cyprus, Greece, Israel, and the United States has been a successful forum to cooperate on energy issues and should be expanded to in-

clude other areas of common concern to the members;

(3) the United States should increase and deepen efforts to partner with and support the modernization of the Greek military;
(4) it is in the interests of the United States that Greece continue to transition its military equipment away from Russian-produced platforms and weapons systems through the European Recapitalization Incentive Program;
(5) the United States Government should continue to deepen strong partnerships with the Greek military to build partnerships for the future, and project selection criteria, the United States Armed Forces and Greece’s military; and
(6) the naval partnerships with Greece at Souda Bay and Alexandroupolis are mutually beneficial to the national security of the United States and Greece;
(7) the United States should, as appropriate, submit to the appropriate congressional committees a report that provides a full accounting of all funds distributed under the European Recapitalization Incentive Program, including an examination of such assets that—
(A) are currently available;
(B) are in development; and
(C) have been formally proposed by a department or agency of the Federal Government, but which have not yet been approved by Congress.
(8) With respect to the assets identified under paragraph (2)(A), an examination of how close the data such assets provide comes to meeting the wildfire management and suppression community needs.
(9) An identification of the total and breakdown of costs reimbursed to the Department of Defense during the five-year period preceding the date of the report for reimbursable requests for assistance from lead departments or agencies of the Federal Government responding to natural disasters, including an assessment of the feasibility of not charging or requiring reimbursement for satellite time used in emergency response for wildfires.
(10) A discussion of the feasibility of establishing capabilities at civilian agencies such as the National Oceanic and Atmospheric Administration, the National Aeronautics and Space Administration to replicate or supplement the Fireguard program.
(11) A retrospective analysis to determine whether the existing data could have been used to defend against past fires.
(12) Options for the Department of Defense to assist the Department of Agriculture, the Department of the Interior, the Department of Energy, the National Aeronautics and Space Administration, the National Institute of Standards and Technology, the National Oceanic and Atmospheric Administration, the National Institute of Standards and Technology, the National Science Foundation, the Department of Agriculture, and local government in identifying and responding to wildfires.
(13) The term ‘intelligence community’ means—
(A) the Committee on Armed Services, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Commerce, Science, and Transportation, the Select Committee on Intelligence of the Senate; and
(B) the Committee on Armed Services, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Commerce, Science, and Transportation, the Select Committee on Intelligence of the House of Representatives.
TITRE LV—SPACE ACTIVITIES, STRATEGIC PROGRAMS, AND INTELLIGENCE MATTERS
SEC. 6501. REPORT ON SENSING CAPABILITIES OF THE DEPARTMENT OF DEFENSE TO ASSIST FIGHTING WILDFIRES.
(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Director of National Intelligence and such other components of an agency or department as the Secretary determines appropriate, submit to the appropriate congressional committees a report on the capabilities of the Department of Defense to assist fighting wildfires through the use and analysis of satellite and other aerial survey technology.
(b) MATTERS INCLUDED.—The report under subsection (a) shall include the following:
(1) An examination of the current and future sensing requirements for the wildfire fighting and suppression community needs.
(2) An identification of the assets of the Department of Defense and intelligence community that can provide data that is relevant to the requirements under paragraph (1), including an examination of such assets that—
(A) are currently available;
(B) are in development; and
(C) have been formally proposed by a department or agency of the Federal Government, but which have not yet been approved by Congress.
(3) With respect to the assets identified under paragraph (2)(A), an examination of how close the data such assets provide comes to meeting the wildfire management and suppression community needs.
(4) An identification of the total and breakdown of costs reimbursed to the Department of Defense during the five-year period preceding the date of the report for reimbursable requests for assistance from lead departments or agencies of the Federal Government responding to natural disasters, including an assessment of the feasibility of not charging or requiring reimbursement for satellite time used in emergency response for wildfires.
(5) A discussion of the feasibility of establishing capabilities at civilian agencies such as the National Oceanic and Atmospheric Administration, the National Aeronautics and Space Administration to replicate or supplement the Fireguard program.
(6) A retrospective analysis to determine whether the existing data could have been used to defend against past fires.
(7) Options for the Department of Defense to assist the Department of Agriculture, the Department of the Interior, the Department of Energy, the National Aeronautics and Space Administration, the National Institute of Standards and Technology, the National Science Foundation, the Department of Agriculture, and local government in identifying and responding to wildfires.
(8) The term ‘intelligence community’ means—
(A) the Committee on Armed Services, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Commerce, Science, and Transportation, the Select Committee on Intelligence of the Senate; and
(B) the Committee on Armed Services, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Commerce, Science, and Transportation, the Select Committee on Intelligence of the House of Representatives.
based asset may pose to the security or operation of the Major Range and Test Facility Base (as defined in section 196(i) of title 10, United States Code).

(b) In the case of—The actions described in this subsection are the following:

(1) To detect, identify, monitor, and track space-based assets without consent.

(2) Consistent with the statutory authority of the Secretary, to take such proactive actions as necessary to ensure that the Major Range and Test Facility Base is able to perform its intended function and meet operational and security requirements.

SEC. 6503. MODIFICATION TO ESTIMATE OF DAMAGED DEFENSE COMMISSION ORDER 20–48.


(1) in subsection (a), in the matter preceding the first period following fiscal year 2021;

(2) by adding at the end the following new sub-section—

"(d) DISTRIBUTION OF ESTIMATE.—As soon as practicable after submitting an estimate as described in paragraph (1) of subsection (a) and the cost estimate description in paragraph (2) of such subsection, the Secretary shall make such estimate available to any licensee (or any licensee operating under the Order and Authorization described in such subsection).

"(e) AUTHORITY OF SECRETARY TO SEEK RECOVERY OF COSTS.—The Secretary may use any funds received under the Order and Authorization described in subsection (a) to seek recovery of any costs incurred by the Department 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) affected by the Order and Authorization described in subsection (a) to seek reimbursement for covered costs submitted and certified to the Congress for covered costs described in subsection (a)(2), the following:

(A) The reasons the flight test did not succeed; and

(B) The reasons the ground test did not succeed.

(ii) The designation of the ground test,

(iii) All funding (including any appropriated, transferred, or reprogrammed funding) the Agency has received to-date for the flight test,

(iv) Any change made to the scope and objectives of the flight test and an explanation for such changes,

(v) The status of the flight test, such as conducted-objectives not achieved (failure or no-test), delayed, or canceled,

(vi) In the event of a flight test status of conducted-objectives not achieved (failure or no-test), delayed, or canceled—

(I) the reasons the flight test did not succeed or occur;

(II) in the event of a flight test status of conducted-objectives not achieved (failure or no-test), the plan and cost estimate to retest, if necessary, and any contractor liability, if appropriate;

(III) in the event of a flight test delay, the fiscal year and quarter the objectives were first planned to be met, the names of the flight tests the objectives have been moved to, the aggregate delay to-date, and, if applicable, any risks to the warfighter from the delay; and

(IV) In the event of a flight test cancellation, the fiscal year and quarter the objectives were first planned to be met, whether the objectives from the canceled test were met by other means, moved to a different flight test, or included in the planned spend plan for the remaining funding the agency received for the flight test to-date, and, if applicable, any risks to the warfighter from the cancellation;

(vii) the status of any decisions reached by failure review boards open or completed during the period covered by the notification.

"(2) IN GENERAL.—Not later than January 31, 2022, the Secretary of the Air Force, in coordination with the Secretary of the Navy and the Secretary of the Army, shall submit to the House of Representatives a report on each such consultation and the countries present.

"(2) An overview of the topics and concepts discussed with each such country during such consultations, including any discussion of potential changes to the nuclear declaratory policy of the United States.

"(3) A summary of any feedback provided during such consultations.

"(c) FORM.—The briefing required by subsection (a) shall be conducted in both an unclassified and classified format.

"(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" 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.

"(e) ADDITIONAL MATTERS.—

"(1) EVENTS SPANNING MULTIPLE NOTIFICATION PERIODS.—Events that span over one period described in subsection (b) into another described in such subsection, such as a the case of a failure review board convening in one period and reaching a decision in the following period, shall be covered by notification under subsection (a) for both periods.

"(2) FORM.—Each notification submitted under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 6504. SEMIANNUAL NOTIFICATIONS REGARDING MISSILE DEFENSE TESTS AND COSTS.

(a) SEMIANNUAL NOTIFICATIONS REQUIRED.—For each period described in subsection (b), the Missile Defense Agency shall submit to the congressional defense committees a notification of all—

(1) flight tests (intercept and non-intercept) conducted or planned to occur during the period covered by the notification, and a description of the objectives of the ground test and an explanation for such changes.

(b) Periods Covered.—For purposes of this section, the periods covered under this section are—

(1) the first 180-calendar-day period beginning on the date that is 90 days after the date of enactment of this Act; and

(2) each subsequent, sequential 180-calendar-day period beginning thereafter until the date that is five years and 90 calendar days after the date of the enactment of this Act.

(c) Timing of Notification Submittal.—Each notification submitted under subsection (a) shall include the following:

(1) The period covered by the notification;

(2) With respect to each flight test described in subsection (a)(i), the following:

(A) The entity responsible for leading the flight test (such as the Missile Defense Agency, the Air Force, the Navy) and the classification level of the flight test;

(B) The planned cost (the most recent cost estimate, if applicable) and the accreditation status of the participating system and element models used for conducting ground tests and the accreditation status of the participating system and element models;

(C) Identification of any cybersecurity tests conducted or planned to be conducted as part of the ground test;

(D) For each cybersecurity test identified under subparagraph (G) with a status of conducted-objectives achieved, conducted-objectives not achieved (failure or no-test), delayed, or canceled;

(E) In the case of a cybersecurity test identified under subparagraph (G) with a status of conducted-objectives achieved, conducted-objectives not achieved (failure or no-test), delayed, or canceled—

(I) the reasons for such status; and

(II) any risks, if applicable, to the warfighter from the cybersecurity test not submitted or occurring;

(F) With respect to the flight test described in subsection (a)(ii), the following:

(A) The planned cost (the most recent cost estimate, if applicable) and the accreditation status of the participating system and element models used for conducting ground tests and the accreditation status of the participating system and element models;

(B) Identification of any cybersecurity tests conducted or planned to be conducted as part of the ground test;

(C) For each cybersecurity test identified under subparagraph (G) with a status of conducted-objectives achieved, conducted-objectives not achieved (failure or no-test), delayed, or canceled;

(D) In the case of a cybersecurity test identified under subparagraph (G) with a status of conducted-objectives achieved, conducted-objectives not achieved (failure or no-test), delayed, or canceled—

(I) the reasons for such status; and

(II) any risks, if applicable, to the warfighter from the cybersecurity test not submitted or occurring;

(G) With respect to the flight test described in subsection (a)(iii), the following:

(A) The planned cost (the most recent cost estimate, if applicable) and the accreditation status of the participating system and element models used for conducting ground tests and the accreditation status of the participating system and element models;

(B) Identification of any cybersecurity tests conducted or planned to be conducted as part of the ground test;

(C) For each cybersecurity test identified under subparagraph (G) with a status of conducted-objectives achieved, conducted-objectives not achieved (failure or no-test), delayed, or canceled;

(D) In the case of a cybersecurity test identified under subparagraph (G) with a status of conducted-objectives achieved, conducted-objectives not achieved (failure or no-test), delayed, or canceled—

(I) the reasons for such status; and

(II) any risks, if applicable, to the warfighter from the cybersecurity test not submitted or occurring;

(H) With respect to the flight test described in subsection (a)(iv), the following:

(A) The planned cost (the most recent cost estimate, if applicable) and the accreditation status of the participating system and element models used for conducting ground tests and the accreditation status of the participating system and element models;

(B) Identification of any cybersecurity tests conducted or planned to be conducted as part of the ground test;

(C) For each cybersecurity test identified under subparagraph (G) with a status of conducted-objectives achieved, conducted-objectives not achieved (failure or no-test), delayed, or canceled;

(D) In the case of a cybersecurity test identified under subparagraph (G) with a status of conducted-objectives achieved, conducted-objectives not achieved (failure or no-test), delayed, or canceled—

(I) the reasons for such status; and

(II) any risks, if applicable, to the warfighter from the cybersecurity test not submitted or occurring.

"(d) Authorization of Appropriations.—For each flight test described in subsection (a), in the matter preceding the first period following fiscal year 2021:

"(2) Permits.—The Secretary shall make such estimate available to any licensee (or any licensee operating under the Order and Authorization described in subsection (a)) to provide reimbursement to the Department, only to the extent provided in appropriate 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 appropriation Acts, for covered costs described in subsection (b) and to provide reimbursement 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 shall be considered to be good faith actions pursuant to paragraph 104 of the Order and Authorization described in subsection (a).".
SEC. 6601. MATTERS CONCERNING CYBER PERSONNEL EDUCATION REQUIREMENTS

(a) IN GENERAL.—The Director of National Intelligence shall—

(1) assess current cyber education curricula and requirements for civilian personnel of the intelligence community, including cyberspace and information environment-related scholarship-for-service programs, and such curricula, requirements, and programs includes—

(A) the CyberCorps: Scholarship for Service (SFS);

(B) the Stokes Educational Scholarship Program; and

(C) the OnRamp II Scholarship Program;

(2) recommend—

(A) cyberspace domain and information security curriculum requirements of undergraduate- and graduate-level accredited institutions;

(B) under which Federal department or agency such a curriculum could be administered; and

(C) interim efforts to improve the coordination of existing cyberspace and information environment education programs; and

(3) identify—

(A) any counterintelligence risks or threats to the intelligence community that establishment of such a curriculum could create; and

(B) a cost estimate for the establishment of such a curriculum.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than May 31, 2022, the Director shall provide the Select Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a briefing and, not later than September 30, 2022, the Director shall submit to such committees a report on—

(A) the findings of the Director in carrying out subsection (a);

(B) such recommendations as the Director may have for personnel education needs in the cyberspace domain; and

(C) any legislative or administrative action the Director identifies as necessary to effectively meet cyber personnel education requirements.

(2) FORM.—In presenting and submitting such report provided under paragraph (1), the Director may—

(A) when providing the briefing required by such paragraph, present such findings in a classified setting;

(B) when submitting the report required by such paragraph, include such findings in a classified annex.

(c) DEFINITIONS.—In this section:

(1) EDUCATION.—The term “education” includes formal education requirements, such as degrees and certification in targeted subject areas.

(2) INTELLIGENCE COMMUNITY.—The term “intelligence community” has the meaning given such term in section 101 of the National Security Act of 1947 (50 U.S.C. 3003).

SEC. 6602. PILOT PROGRAM ON PUBLIC-PRIVATE PARTNERSHIPS WITH INTERNET ECOSYSTEM COMPANIES TO DETECT AND DISRUPT ADVERSARY CYBER OPERATIONS

(a) PILOT PROGRAM.—Not later than one year after the date of the enactment of this Act, the Secretary shall, acting through the Director of the Cybersecurity and Infrastructure Security Agency and in coordination with the Secretary of Defense and National Cyber Director, establish and commence a pilot program to assess the feasibility and advisability of entering into public-private partnerships with internet ecosystem companies to facilitate, within the bounds of the applicable provisions of law and companies’ terms of service, policies, procedures, contracts, and other agreements, actions by such companies to discover and disrupt cyber operations and infrastructure of such companies by malicious cyber actors.

(b) PUBLIC-PRIVATE PARTNERSHIPS.—

(1) IN GENERAL.—Under the pilot program required by subsection (a), the Secretary shall seek to enter into one or more public-private partnerships with ecosystem companies to facilitate actions as described in subsection (a).

(2) VOLUNTARY PARTICIPATION.—(A) Participation by an internet ecosystem company in a public-private partnership under the pilot program shall be voluntary.

(B) Participation by an internet ecosystem company set forth in subsection (c), or otherwise occurring under the pilot program, shall be voluntary.

(3) SECRETARY OF DEFENSE.—(A) The Secretary shall—

(1) provide actionable, timely, and relevant information to participating companies, such as information about ongoing operations and infrastructure, threats, tactics, and procedures, and indicators of compromise, to enable companies to detect and disrupt the use of their platforms, systems, services, and infrastructure by malicious cyber actors;

(2) provide recommendations for (but not design, develop, install, operate, or maintain) operational workflows, assessment and compliance practices, and training that participating internet ecosystem companies can institute within their companies to reliably detect and disrupt the use of their platforms, systems, services, and infrastructure by malicious cyber actors;

(3) provide technical recommendations for (but not design, develop, install, operate, or maintain) technical capabilities to enable participating internet ecosystem companies to collect and analyze data on malicious cyber operations occurring on their platforms, systems, services, and infrastructure to detect and disrupt operations of malicious cyber actors; and

(4) provide recommendations regarding relevant mitigations for suspected or discovered malicious cyber activity and thresholds for action.

(c) AUTHORIZED ACTIVITIES.—In establishing and operating the pilot program set forth in subsection (c), the Secretary shall—

(1) identify—

(A) cyberspace domain and information security curriculum requirements of undergraduate- and graduate-level accredited institutions;

(B) the OnRamp II Scholarship Program;

(C) the Stokes Educational Scholarship Program; and

(D) any legislative or administrative action the Director identifies as necessary to effectively meet cyber personnel education requirements.

(2) develop and socialize best practices for the collection, retention, and sharing of data by participating companies to support internet ecosystem company discovery of malicious cyber activity, investigations, and attribution on their own platforms, systems, services, or infrastructure;

(3) when providing the briefing required by subsection (a), the Secretary shall—

(A) the findings of the Director in carrying out subsection (a);

(B) such recommendations as the Director may have for personnel education needs in the cyberspace domain; and

(C) any legislative or administrative action the Director identifies as necessary to effectively meet cyber personnel education requirements.

(3) LIMITATION ON GOVERNMENT ACCESS TO DATA.—Nothing in this section shall authorize or permit disclosure to a government entity, or require disclosure by a provider of a remote computing service or a provider of an electronic communication service to the information required under this section, except such disclosure is permitted or required to be disclosed under chapter 121 of title 18, United States Code.
(commonly known as the "Stored Communications Act").

(3) THIRD PARTY CUSTOMERS.—Nothing in this section shall be construed to require a third party, such as a customer or managed service provider of an internet ecosystem company, to participate in the pilot program.

(4) The term "Secretary" means the Secretary of Homeland Security.

SEC. 6603. BRIEFING ON DEPARTMENT OF DEFENSE FEASIBILITY AND ADVISABILITY FOR DATA ANALYTICS.

(a) BRIEFING REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Chief Data Officer of the Department of Defense shall brief the congressional defense committees on the activities the Department is undertaking to ensure that vulnerabilities in data collected or otherwise available, to and interoperable among multiple data management and analytics platforms for the Secretary of Defense, Deputy Secretary of Defense, and components of the Department in adherence with an open data standard architecture.

(b) ELEMENTS.—The briefing provided under subsection (a) shall include the following:

(1) An assessment of how data analytics platforms currently in use adhere to an open data standard architecture in accordance with the Open Data Standards Project, including any preliminary observations.

(2) A description of the process and metrics used by the Department to allow access to competitive, multi-tool analytics platforms.

(3) Results of any studies including the extent to which the Department has implemented an open data standard architecture.

(4) An assessment of the ability to better meet unique mission requirements at the edge via operator access to competitive, multi-tool analytics platforms.

(c) TERMINATION.—The briefing required by subsection (a) shall be completed not later than two years after the date of the enactment of this Act.

(d) BRIEFING AND REPORT.—

(1) BRIEFING.—Not later than 90 days after the date of the enactment of this Act, the Comptroller General shall provide to the Committees on Armed Services of the Senate and the House of Representatives an interim briefing on the study conducted under subsection (a), including any preliminary observations.

(2) REPORT.—Not later than 180 days 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).

(e) PRIVATIZED MILITARY HOUSING DEFINED.—In this section, the term "privatized military housing" means military housing provided under subchapter IV of chapter 169 of title 10, United States Code.

TITLE LXXXI—NATIONAL SECURITY PROGRAMS AND AUTHORIZATIONS

SEC. 8101. REPORT ON PLANT-DIRECTED RESEARCH AND DEVELOPMENT.

Section 4812A of the Atomic Energy Defense Act (50 U.S.C. 2793) is amended by redesignating paragraphs (b) and (c) as subsections (b) and (c), respectively; and by inserting after subsection (a) the following new subsection (b):

"(B) PLANT-DIRECTED RESEARCH AND DEVELOPMENT.—

(1) IN GENERAL.—The report required by subsection (a) shall include, with respect to plant-directed research and development, the following:

(A) A financial accounting of expenditures for such research and development, disaggregated by nuclear weapons production facility.

(B) A breakdown of the percentage of research and development conducted by each such facility that is plant-directed research and development.

(C) An explanation of how each such facility plans to increase the availability and utilization of funds for plant-directed research and development.

(2) PLANT-DIRECTED RESEARCH AND DEVELOPMENT DEFINED.—In this subsection, the term "plant-directed research and development" means research and development selected by the director of a nuclear weapons production facility.

TITLE XC—FUNDING TABLES

SEC. 9011. INCREASED FUNDING FOR HEAVY TACTICAL TRUCKS.

(a) INCREASED FUNDING.—(1) The funding table in section 4011 is hereby deemed to include, after the item relating to "180,000" in item 128, an item relating to "114,163,250", in the funding table in section 4011, in the item relating to "Hevy Expanded Mobile Tactical Truck Ext Serv" with "109,000" in the Senate Authorized column.

(b) In the funding table in section 4011, in the item relating to Total Procurement, the amount in the Senate Authorized column is deemed to be "8,989,492": "180,000" in the funding table in section 4011, in the item relating to Total Procurement, the amount in the Senate Authorized column is deemed to be "114,163,250".

(c) In the funding table in section 4011, in the item relating to Total Other Procurement, the amount in the Senate Authorized column is deemed to be "8,989,492": "180,000" in the funding table in section 4011, in the item relating to Total Other Procurement, the amount in the Senate Authorized column is deemed to be "114,163,250".

(d) In the funding table in section 4011, in the item relating to Afghan National Army, the amount in the Senate Authorized column is deemed to be "1,001,294": "1,001,294" in the funding table in section 4011, in the item relating to Afghan National Army, the amount in the Senate Authorized column is deemed to be "1,001,294".

(e) In the funding table in section 4011, in the item relating to Total Operation and Maintenance, the amount in the Senate Authorized column is deemed to be "8,989,492": "180,000" in the funding table in section 4011, in the item relating to Total Operation and Maintenance, the amount in the Senate Authorized column is deemed to be "114,163,250".

(f) In the funding table in section 4011, in the item relating to Total Other Procurement, the amount in the Senate Authorized column is deemed to be "8,989,492": "180,000" in the funding table in section 4011, in the item relating to Total Other Procurement, the amount in the Senate Authorized column is deemed to be "114,163,250".
Maintenance, the amount in the Senate Authorized column is deemed to be “260,462,205”.

DIVISION F—INTELLIGENCE AUTHORIZA-
TION ACT FOR FISCAL YEAR 2022

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This division may be cited as the “Intelligence Authorization Act for Fiscal Year 2022.”

(b) Table of Contents.—The table of contents for this division is as follows:

DIVISION F—INTELLIGENCE AUTHORIZA-
TION ACT FOR FISCAL YEAR 2022

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

DIVISION I—INTELLIGENCE ACTIVITIES
Sec. 101. Authorization of appropriations.
Sec. 102. Definitions.

DIVISION II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM
Sec. 201. Authorization of appropriations.

DIVISION III—GENERAL INTELLIGENCE MATTERS
Subtitle A—Intelligence Community Matters
Sec. 301. Increasing agricultural and commercial intelligence measures.
Sec. 302. Plan for allowing contracts with providers of services relating to sensitive compartmented information facilities.
Sec. 303. Plan to establish commercial geospatial intelligence data and services program office.
Sec. 304. Investment strategy for commercial geospatial intelligence services acquisition.
Sec. 305. Central Intelligence Agency Acquisition Innovation Center report, strategy, and plan.
Sec. 306. Improving authorities relating to national counterintelligence and security.
Sec. 307. Removal of Chief Information Officer of the Intelligence Community from level IV of the Executive Schedule.
Sec. 308. Requirements relating to construction of facilities to be used primarily by intelligence community.
Sec. 309. Director of National Intelligence support for intelligence community diversity, equity, inclusion, and accessibility activities.
Sec. 310. Establishment of Diversity, Equity, and Inclusion Officer of the Intelligence Community.
Sec. 311. Annual report evaluating collaboration between the National Reconnaissance Office and the Space Force.
Sec. 312. Director of National Intelligence declassification review of information relating to terrorist attacks of September 11, 2001.
Sec. 313. Establishment of Chaplain Corps of the Central Intelligence Agency.
Sec. 314. Pilot program on recruitment and retention in Office of Intelligence and Analysis of the Department of the Treasury.
Sec. 315. Pilot program on student loan repayment at Office of Intelligence and Analysis of Department of the Treasury.
Sec. 316. Prohibition on collection and analysis of United States persons’ information by intelligence community based on First Amendment-protected activities.

Sec. 317. Sense of the Senate on the use of intelligence community resources for collection, assessment, and analysis of information pertaining exclusively to United States persons absent a foreign nexus.

Subtitle B—Inspector General of the Intelligence Community
Sec. 321. Submission of reports and information by whistleblowers in the intelligence community to Congress.

Sec. 322. Definitions and authorities regarding whistleblower complaints and information of urgent concern received by Inspectors General of the intelligence community.

Sec. 323. Harmonization of whistleblower protections.

Sec. 324. Protection against disclosure of whistleblower identity as reprisal against whistleblower disclosure by employees and contractors in intelligence community.

Sec. 325. Congressional oversight of controlled access programs.

Subtitle C—Reports and Assessments Pertaining to the Intelligence Community
Sec. 331. Report on efforts to build an integrated hybrid space architecture.

Sec. 333. Assessment of intelligence community counternarcotics capabilities.

Sec. 334. Assessment of intelligence community’s intelligence-sharing relationships with Latin American partners in counternarcotics.

Sec. 335. Report on United States Southern Command intelligence capabilities.

Sec. 336. Director of National Intelligence report on trends in technologies of strategic importance to United States.

Sec. 337. Report on Nord Stream II companies and intelligence ties.

Sec. 338. Assessment of Organization of American States’s intelligence operations and campaigns in Latin America.

Sec. 339. Report on the assessment of all-source cyber intelligence information, with an emphasis on supply chain risks.

Sec. 340. Report on intelligence community support to Visas Mantis program.

Sec. 341. Plan for artificial intelligence digital ecosystem.

Sec. 342. Study on utility of expanded personnel management authority.

Sec. 343. Report on the assessment of all-source cyber intelligence information, with an emphasis on supply chain risks.

Sec. 344. Support for and oversight of Unidentified Aerial Phenomena Task Force.

Sec. 345. Publication of unclassified appendices from reports on intelligence community participation in Vulnerabilities Equities Process.


Subtitle D—People’s Republic of China
Sec. 351. Assessment of posture and capabilities of intelligence community with respect to actions of the People’s Republic of China targeting Taiwan.

Sec. 352. Plan to cooperate with intelligence agencies of key democratic countries regarding technological competition with People’s Republic of China.

Sec. 353. Assessment of People’s Republic of China genomic collection.

Sec. 354. Updates to annual reports on influence operations and campaigns in the United States by the Chinese Communist Party.

Sec. 355. Report on influence of People’s Republic of China through Belt and Road Initiative projects with other countries.

Sec. 356. Study on the creation of an official digital currency by the People’s Republic of China.

Sec. 357. Report on efforts of Chinese Communist Party to erode freedom and autonomy in Hong Kong.

Sec. 358. Report on targeting of renewable energy sectors by China.

TITLE IV—ANOMALOUS HEALTH INCIDENTS
Sec. 401. Definition of anomalous health incident.

Sec. 402. Assessment and report on interagency communication relating to efforts to address anomalous health incidents.

Sec. 403. Advisory panel to the Office of Medical Services of the Central Intelligence Agency.

Sec. 404. Joint task force to investigate anomalous health incidents.

Sec. 405. Reporting on occurrence of anomalous health incidents.


TITLE V—SECURITY CLEARANCES AND TRUSTED WORKFORCE
Sec. 501. Exclusivity, consistency, and transparency in security clearance procedures, and right to appeal.

Sec. 502. Federal policy on sharing of covered insider threat information pertaining to contractor employees in the trusted workforce.

Sec. 503. Performance measures regarding timeliness for personnel mobilization.

Sec. 504. Governance of Trusted Workforce 2.0 initiative.

TITLE VI—OTHER INTELLIGENCE MATTERS
Sec. 601. Periodic reports on technology strategy of intelligence community.

Sec. 602. Improvements relating to continuity of Privacy and Civil Liberties Oversight Board membership.

Sec. 603. Reports on intelligence support for and capacity of the Sergeants at Arms of the Senate and the House of Representatives and the United States Capitol Police.

Sec. 604. Study on vulnerability of Global Positioning System to hostile actions.

Sec. 605. Authority for transportation of federally owned canines associated with force protection duties of intelligence community.

SEC. 2. DEFINITIONS.
In this division:
(1) CONGRESSIONAL INTELLIGENCE COMMIT-
TEES.—The term “congressional intelligence committees” means—
(a) the Select Committee on Intelligence and the Committee on Appropriations of the Senate; and
SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Operations, Research, Development, Test, and Evaluation; National Intelligence programs of the Department of Defense; National Nuclear Security Administration; Department of Homeland Security; Department of Justice; Central Intelligence Agency; Department of State; National Geospatial-Intelligence Agency; Defense Intelligence Agency; Department of the Army; Department of the Navy; Air Force; and Department of Commerce, $53,144,000,000, to remain available until September 30, 2022, for the purposes specified in the classified Schedule of Authorizations referred to in section 102(a).

SEC. 102. CLASIFIED 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 (17) of section 101, are—

(1) the Office of the Director of National Intelligence;
(2) the Central Intelligence Agency;
(3) the Defense Intelligence Agency;
(4) the National Security Agency;
(5) the National Geospatial-Intelligence Agency;
(6) the Department of the Army, the Department of the Navy, and the Department of the Air Force;
(7) the Coast Guard;
(8) the Department of State;
(9) the Department of the Treasury;
(10) the Department of Energy;
(11) the Department of Justice;
(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;
(17) the Space Force.

(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, to 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. 3096a);
(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 2022 the sum of $651,560,000.

(a) Authorized Authorization of Appropriations.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a) of section 103, there is authorized to be appropriated for the Intelligence Community Management Account for fiscal year 2022 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a).

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund $531,000,000 for fiscal year 2022.

SEC. 301. INCREASING AGRICULTURAL AND COMMERCIAL INTELLIGENCE MEASURES.

(a) Definition of Appropriate Committeess of Congress.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Agriculture, Nutrition, and Forestry, the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, the Committee on Banking, Housing, and Urban Affairs, and the Select Committee on Intelligence of the Senate; and
(2) the Committee on Agriculture, the Committee on Armed Services, the Committee on Energy and Commerce, the Committee on Homeland Security, and the Permanent Select Committee on Intelligence of the House of Representatives.

(b) Report Required.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with other appropriate Federal Government entities, shall submit to the appropriate committees of Congress a report detailing the options for the intelligence community to improve intelligence support to the Department of Agriculture and the Department of Commerce.

(c) Form.—The report required under subsection (b) shall—

(1) be submitted in unclassified form; or
(2) include a classified annex, if necessary.

SEC. 302. PLAN FOR ALLOWING CONTRACTS WITH PROVIDERS OF SERVICES RELATING TO SENSITIVE COMPARTMENTED INTELLIGENCE.

(a) Definition of Appropriate Committee of Congress.—In this section, the term "appropriate committees of Congress" means—

(1) the congressional intelligence committees;
(2) the Committee on Armed Services of the Senate; and
(3) the Committee on Armed Services of the House of Representatives.

(b) Plan Required.—Not later than 180 days after the date of enactment of this Act, the Director of National Intelligence shall submit to the appropriate committees of Congress a plan for allowing elements of the intelligence community to contract with providers of services relating to sensitive compartmented information for use of those facilities by businesses and organizations on contracts at multiple security levels.

(c) Contents.—The plan required by subsection (b) shall include the following:

(1) An explanation of how the Director of National Intelligence will leverage the current acquisition methodology the National Reconnaissance Office has used to provide leased sensitive compartmented information facility space to businesses and organizations.
(2) A plan to incentivize Federal agencies to implement the plan required by subsection (b).
SEC. 305. CENTRAL INTELLIGENCE AGENCY ACQUISITION INNOVATION CENTER REPORT, STRATEGY, AND PLAN.

(a) REQUIREMENT FOR REPORT AND STRATEGY.—Not later than 120 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall submit to the congressional intelligence committees—

(1) a report stating the mission and purpose of the Acquisition Innovation Center of the Agency; and

(2) a strategy for incorporating the Acquisition Innovation Center into the standard operating procedures and procurement and acquisition practices of the Agency.

(b) REQUIREMENT FOR IMPLEMENTATION PLAN.—Not later than 120 days after the date of the enactment of this Act, the Director shall, using the findings of the Director with respect to the report submitted under section (a)(1), submit to the congressional intelligence committees an implementation plan that—

(1) how the Director will ensure the contracting officers of the Agency and the technical representatives of the Acquisition Innovation Center to have access to the technical expertise required to inform requirements development, technology maturity assessments, and monitoring of acquisition activities; and

(2) how the plan specifically applies to technical industries, including telecommunications, software, aerospace, and large-scale construction.

(c) PROHIBITION ON SIMULTANEOUS SERVICE.—Subparagraph (A) of paragraph (1) of section 904(d) of such Act (50 U.S.C. 3383(d)) is amended to read as follows:

‘‘(A) define the purpose and strategy of the National Counterintelligence Program and ensure the Director of National Intelligence and the Director of National Security Affairs are designated as the National Counterintelligence Program Directors and that the Director of National Security Affairs shall serve as the National Counterintelligence Program Coordinator in order to carry out section 103K of such Act, and as directed by the Director of National Intelligence, the Director of National Security Affairs shall perform such other duties consistent with the purpose and strategy of the National Counterintelligence Program as the Director of National Intelligence determines will benefit the national intelligence community as a whole.’’;

(d) PROHIBITION ON SIMULTANEOUS SERVICE.—(1) The following may not serve simultaneously as the Director of National Intelligence and the Director of National Security Affairs:

(2) in paragraph (2), by striking ''$5,000,000'' and inserting ''$6,000,000''; and

(3) NATIONWIDE VULNERABILITY ASSESSMENTS.—Subparagraph (A) of paragraph (7) of such section is amended by striking ‘‘surveys of the vulnerability of the United States Government, and the private sector,’’ and inserting ‘‘counterintelligence risk assessments and surveys of the vulnerability of the United States Government, and the private sector,’’.

SEC. 306. IMPROVING AUTHORITIES RELATING TO NATIONAL COUNTERINTELLIGENCE AND SECURITY.

(a) DUTIES OF THE DIRECTOR OF THE NATIONAL COUNTERINTELLIGENCE AND SECURITY CENTER.—Section 902(c) of the Counterintelligence Strategy, which requires contracting officers to have access to the technical expertise required to inform requirements development, technology maturity assessments, and monitoring of acquisition activities, and —

(1) organize and lead strategic planning for counterintelligence activities in support of National Counterintelligence Strategy objectives and other national counterintelligence priorities by integrating all instruments of national power, including diplomatic, financial, military, intelligence, homeland security, and coordination with law enforcement activities, within and among Federal agencies;’’;

(b) CHANGES TO THE FUNCTIONS OF THE NATIONAL COUNTERINTelligence AND SECURITY CENTER.—

(1) EVALUATION OF IMPLEMENTATION OF NATIONAL COUNTERINTELLIGENCE STRATEGY.—Paragraph 306(d)(4) of such Act (50 U.S.C. 3383(d)) is amended to read as follows:

‘‘(3) IMPLEMENTATION OF NATIONAL COUNTERINTELLIGENCE STRATEGY.—To evaluate on an ongoing basis the implementation of the National Counterintelligence Strategy by the intelligence community and other appropriate elements of the United States Government to the President, the congressional intelligence committees (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3301)), the National Security Council, the Director of the Office of Management and Budget, and the National Counterintelligence Policy Board periodic reports on such evaluation, including a discussion of methods in the implementation of the Strategy and recommendations for remedies for such shortfalls.’’.

(b) NATIONAL COUNTERINTELLIGENCE PROGRAM BUDGET.—Paragraph (5) of such section is amended—

(1) in subparagraph (A)—

(i) inserting ‘‘oversight and before “co-’’; and

(ii) by inserting ‘‘in furtherance of the National Counterintelligence Strategy and other strategic priorities of the intelligence community diversity, equity, inclusion, and accessibility activities.’’;

(2) in subparagraph (C), by striking ‘‘the congressional intelligence committees (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3303)), the National Security Council, the Office of Management and Budget, and the National Counterintelligence Policy Board’’;

(3) NATIONAL COUNTERINTELLIGENCE OUTREACH, WATCH, AND WARNING.—

(A) COUNTERINTELLIGENCE VULNERABILITY RISK ASSESSMENTS.—Subparagraph (A) of paragraph (7) of such section is amended by striking ‘‘surveys of the vulnerability of the United States Government, and the private sector,’’ and inserting ‘‘counterintelligence risk assessments and surveys of the vulnerability of the United States Government, and the private sector,’’.

(B) OUTREACH.—Subparagraph (B) of such paragraph is amended to read as follows:

‘‘(B) OUTREACH.—

(i) OUTREACH PROGRAMS AND ACTIVITIES.—To carry out and coordinate, consistent with other applicable provisions of law and in consultation with appropriate Federal departments and agencies, outreach programs and activities to counterintelligence to other elements of the United States Government, State, local, and Tribal governments, foreign governments and allies of the United States, the private sector, and United States academic institutions.

(ii) PUBLIC WARNINGS.—To coordinate the dissemination to the public of warnings on intelligence threats to the United States.’’.

SEC. 307. REMOVAL OF CHIEF INFORMATION OFFICER OF THE INTELLIGENCE COMMUNITY FROM LEVEL IV OF THE EXECUTIVE SCHEDULE.

Section 3316 of title 5, United States Code, is amended by striking ‘‘Chief Information Officer of the Intelligence Community’’.

SEC. 308. REQUIREMENTS RELATING TO CONSTRUCTION OF FACILITIES TO BE USED PRIMARILY BY INTELLIGENCE COMMUNITY.

Section 622(a) of the Intelligence Authorization Act for Fiscal Year 1995 (50 U.S.C. 3909(a)) is amended—

(1) in paragraph (1), by striking ‘‘$5,000,000’’ and inserting ‘‘$9,000,000’’; and

(2) in paragraph (2), by striking ‘‘$5,000,000’’ and inserting ‘‘$9,000,000’’.

SEC. 309. DIRECTOR OF NATIONAL INTELLIGENCE SUPPORT FOR INTELLIGENCE COMMUNITY DIVERSITY, EQUITY, INCLUSION, AND ACCESSIBILITY ACTIVITIES.

(a) IN GENERAL.—Title XI of the National Security Act of 1947 (50 U.S.C. 2231 et. seq.) is amended by adding at the end of that title the following:

‘‘SEC. 1111. SUPPORT FOR INTELLIGENCE COMMUNITY DIVERSITY, EQUITY, INCLUSION, AND ACCESSIBILITY ACTIVITIES.

‘‘(a) DEFINITION OF COVERED WORKFORCE ACTIVITIES.—In this section, the term ‘covered workforce activities’ includes—

(1) activities relating to the recruitment or retention of personnel in the workforce of the intelligence community diversity, equity, inclusion, and accessibility activities.

(2) activities relating to the workforce of the intelligence community diversity, equity, inclusion, and accessibility activities.

(3) NATIONWIDE VULNERABILITY ASSESSMENTS.—Notwithstanding any other provision of law and subject to the availability of appropriations made available to the Director of National Intelligence for covered workforce activities, the Director may, with or without reimbursement, support by covered workforce of the various elements of the intelligence community as the Director determines will benefit the intelligence community as a whole.’’;

(b) INCLUSION OFFICER.—Within the Office of the Director of National Intelligence, there is a Diversity, Equity, and Inclusion Officer of the Intelligence Community who shall be appointed by the Director of National Intelligence.

(c) DUTIES.—The Diversity, Equity, and Inclusion Officer of the Intelligence Community shall—

(1) serve as the principal advisor to the Director of National Intelligence and the Principal Deputy Director of National Intelligence on diversity, equity, and inclusion in the intelligence community;

(2) lead the development and implementation of strategies and initiatives to advance diversity, equity, and inclusion in the intelligence community; and

(3) perform such other duties, consistent with paragraphs (1) and (2), as may be prescribed by the Director.

(d) ANNUAL REPORT TO CONGRESS.—Not less frequently than once each year, the Diversity, Equity, and Inclusion Officer of the Intelligence Community shall submit to the congressional intelligence communities a report on the implementation of the strategies and initiatives developed pursuant to subsection (b) and the execution of related expenditures.

(e) PROHIBITION ON SIMULTANEOUS SERVICE AS CHIEF INFORMATION OFFICER, CHIEF INFORMATION OFFICER OF THE INTELLIGENCE COMMUNITY, OR EQUAL EMPLOYMENT OPPORTUNITY OFFICER.—An individual serving in the position of Diversity, Equity, and Inclusion Officer of the Intelligence Community may not, while so serving, serve as either the Diversity, Equity, and Inclusion Officer or the Equal Employment Opportunity Officer of any other agency or department or component thereof, of the United States Government.’’.

(b) CLERICAL AMENDMENT.—The table of contents at the beginning of such Act is amended by inserting after the item relating to section 103K the following:

‘‘Sec. 103K. Diversity, Equity, and Inclusion Officer of the Intelligence Community.’’

(c) LIMITATION.—None of the funds authorized to be appropriated by this Act or used for the purpose of this Act shall be used to increase the number of full-time employees employed by the Director of National Intelligence in order to carry out section 103K of such Act, as added by subsection (a).

SEC. 311. ANNUAL REPORT EVALUATING COLLABORATION BETWEEN THE NATIONAL RECOGNITION OFFICE AND THE SPY AGENT COMMUNITY.

(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term
SEC. 312. DIRECTOR OF NATIONAL INTELLIGENCE DECLASSIFICATION REVIEW OF INFORMATION RELATING TO TERRORIST ATTACKS OF SEPTEMBER 11, 2001.

(a) DECLASSIFICATION REVIEW REQUIRED.—Not later than 30 days after the date of the enactment of this Act and not less frequently than once each year thereafter for 5 years, the Secretary of the Air Force and the Director of National Intelligence shall jointly, in consultation with the Under Secretary of Defense for Intelligence and Security, submit to the appropriate congressional committees a report evaluating the partnership between the National Reconnaissance Office and the Space Force.

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

(1) A description of the division of labor between the National Reconnaissance Office and the Space Force, including—

(A) shared missions and programs; and

(B) methods of collaboration.

(2) An examination of the ways in which the National Reconnaissance Office and the Space Force are partnering on missions and programs, including identification of lessons learned for improving collaboration and deconflicting activities in the future.

(3) An examination of how resources provided from the National Intelligence Program are allocated to or transferred between the National Reconnaissance Office and the Space Force.

SEC. 313. ESTABLISHMENT OF CHAPLAIN CORPS OF THE CENTRAL INTELLIGENCE AGENCY.

The Central Intelligence Agency Act of 1949 (50 U.S.C. 3501 et seq.) is amended by adding at the end thereof—

"SEC. 26. CHAPLAIN CORPS AND CHIEF OF CHAPLAINS.—

"(a) ESTABLISHMENT OF CHAPLAIN CORPS.—

There is in the Agency a Chaplain Corps for the provision of spiritual or religious pastoral services.

"(b) CHIEF OF CHAPLAINS.—The head of the Chaplain Corps shall be the Chief of Chaplains, who shall be appointed by the Director.

"(c) STAFF AND ADMINISTRATION.—

(1) STAFF.—The Director may appoint and fix the compensation of such staff of the Chaplain Corps as the Director considers appropriate, except that the Director may not—

(A) appoint more than 10 full-time equivalent positions; or

(B) provide basic pay to any member of the staff of the Chaplain Corps at an annual rate of basic pay in excess of the maximum rate of basic pay for grade GS–15 as provided in section 5332 of title 5, United States Code.

(2) ADMINISTRATION.—The Director may—

(A) reimburse members of the staff of the Chaplain Corps for work-related travel expenses;

(B) provide security clearances to such members;

and

(C) furnish such physical workspace at the headquarters building of the Agency as the Director considers necessary to carry out its responsibilities.

SEC. 314. PILOT PROGRAM ON RECRUITMENT AND RETENTION IN OFFICE OF INTELLIGENCE AND ANALYSIS OF THE DEPARTMENT OF THE TREASURY.

(a) PILOT PROGRAM REQUIRED.—The Assistant Secretary for Intelligence and Analysis of the Department of the Treasury shall carry out a pilot program to assess the feasibility and advisability of using adjustments of rates of pay to recruit and retain staff for high-demand positions in the Office of Intelligence and Analysis of the Department of the Treasury.

(b) DURATION.—The Assistant Secretary shall carry out the pilot program required by subsection (a) during the 4-year period beginning on the date of the enactment of this Act.

(c) ADDITIONAL PAY.—Under the pilot program required by subsection (a), the Assistant Secretary shall, notwithstanding any provision of title 5, United States Code, governing the rates of pay or classification of employees in the executive branch, prescribe the rate of basic pay for financial and cyber intelligence analyst positions designated under subsection (a) that—

(1) not greater than 130 percent of the maximum basic rate of pay and locality pay that such positions would otherwise be eligible for; and

(2) not greater than the rate of basic pay payable for level II of the Executive Schedule under section 5313 of title 5, United States Code.

(d) DESIGNATED POSITIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), under the pilot program required by subsection (a), the Assistant Secretary shall designate not fewer than 5 percent and not more than 25 percent of the total number of positions in the Office, including positions to be filled by new hires, as financial or cyber intelligence analyst positions eligible for the additional pay under subsection (c).

(2) CURRENT EMPLOYEES.—The Assistant Secretary may designate under paragraph (1) a position filled by an employee who was employed in that position on the day before the date of the enactment of this Act and not less frequently than once each year thereafter for the duration of the 2-year period ending on the date of the enactment of this Act.

(e) BRIEFING ON THE PILOT PROGRAM.—Not later than 90 days after the date of the enactment of this Act and not less frequently than once each year thereafter for the duration of the period set forth in subsection (b), the Assistant Secretary shall provide the congressional intelligence committees and the Director of National Intelligence with a briefing on the pilot program required by subsection (a).

(f) REPORT ON THE PILOT PROGRAM.—Not later than 180 days before the last day of the period set forth in subsection (b), the Assistant Secretary shall submit to the congressional intelligence committees, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Reform of the House of Representatives, and the Director of National Intelligence a report on the pilot program and recommendations on whether the pilot program should be extended, modified, or ended.

SEC. 315. PILOT PROGRAM ON STUDENT LOAN REPAYMENT AT OFFICE OF INTELLIGENCE AND ANALYSIS OF DEPARTMENT OF THE TREASURY.

(a) PILOT PROGRAM.—

(1) ESTABLISHMENT.—The Assistant Secretary for Intelligence and Analysis in the Department of the Treasury shall carry out a pilot program to assess the feasibility and advisability of using repayment of loans on behalf of persons that were used by the persons to finance education as a recruitment incentive for employment at the Office of Intelligence and Analysis, data scientists, cyber specialists, and others with any other analytic or technical capabilities that are in high demand by the Office.

(b) LOAN REPAYMENTS.—

(1) IN GENERAL.—Under the pilot program, the Assistant Secretary may repay the principal, interest, and related expenses of a loan obtained by a covered person to finance education.

(2) COVERED PERSONS.—For purposes of paragraph (1), a covered person is a person who agrees to an offer from the Assistant Secretary to participate in the pilot program before beginning employment in the Office.

(3) LIMITATION ON TOTAL AMOUNT.—Under the pilot program, the Assistant Secretary may repay not more than $100,000 on behalf of any one person in any one fiscal year.

(4) LIMITATION ON ANNUAL AMOUNT OF PAYMENTS.—Under the pilot program, the Assistant Secretary may repay not more than $30,000 on behalf of any one person in any one fiscal year.

(5) TIMING AND PERIOD OF PAYMENTS.—In repaying a loan of a person under the pilot program, the Assistant Secretary shall make payments—

(A) on a monthly basis; and

"(b) PILOT PROGRAM.—Not later than 180 days before the last day of the period set forth in subsection (b), the Assistant Secretary shall submit to the congressional intelligence committees, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Reform of the House of Representatives, and the Director of National Intelligence a report on the pilot program and recommendations on whether the pilot program should be extended, modified, or ended.

"(c) REPORT ON THE PILOT PROGRAM.—Not later than 180 days before the last day of the period set forth in subsection (b), the Assistant Secretary shall submit to the congressional intelligence committees recommendations as to—

(1) which, if any, other elements of the intelligence community would benefit from a program similar to the pilot program required by subsection (a); and

(2) what, if any, modifications the Director would recommend for such elements.

SEC. 315. PILOT PROGRAM ON STUDENT LOAN REPAYMENT AT OFFICE OF INTELLIGENCE AND ANALYSIS OF DEPARTMENT OF THE TREASURY.

(a) PILOT PROGRAM.—

(1) ESTABLISHMENT.—The Assistant Secretary for Intelligence and Analysis in the Department of the Treasury shall carry out a pilot program to assess the feasibility and advisability of using repayment of loans on behalf of persons that were used by the persons to finance education as a recruitment incentive for employment at the Office of Intelligence and Analysis, data scientists, cyber specialists, and others with any other analytic or technical capabilities that are in high demand by the Office.

(b) LOAN REPAYMENTS.—

(1) IN GENERAL.—Under the pilot program, the Assistant Secretary may repay the principal, interest, and related expenses of a loan obtained by a covered person to finance education.

(2) COVERED PERSONS.—For purposes of paragraph (1), a covered person is a person who agrees to an offer from the Assistant Secretary to participate in the pilot program before beginning employment in the Office.

(3) LIMITATION ON TOTAL AMOUNT.—Under the pilot program, the Assistant Secretary may repay not more than $100,000 on behalf of any one person in any one fiscal year.

(4) LIMITATION ON ANNUAL AMOUNT OF PAYMENTS.—Under the pilot program, the Assistant Secretary may repay not more than $30,000 on behalf of any one person in any one fiscal year.

(5) TIMING AND PERIOD OF PAYMENTS.—In repaying a loan of a person under the pilot program, the Assistant Secretary shall make payments—

(A) on a monthly basis; and
SEC. 316. PROHIBITION ON COLLECTION AND ANALYSIS OF UNITED STATES PERSONS’ INFORMATION BY INTELLIGENCE COMMUNITY BASED ON FIRST AMENDMENT-PROTECTED ACTIVITY.

No element of the intelligence community may collect or analyze a United States person’s information solely upon the basis of an activity protected by the First Amendment to the Constitution of the United States.

SEC. 317. SENSE OF THE SENATE ON THE USE OF INTELLIGENCE COMMUNITY RESOURCES FOR COLLECTION, ASSESSMENT, AND ANALYSIS OF INFORMATION PERTAINING EXCLUSIVELY TO UNITED STATES PERSONS ABSENT A FOREIGN NEXUS.

It is the sense of the Senate that—

(1) the Federal Bureau of Investigation and the Department of Homeland Security do vital work in enforcing the rule of law and safeguarding the people of the United States from harm;

(2) the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat. 3638) sought to facilitate greater information sharing between law enforcement and intelligence communities for the purpose of thwarting attacks on the homeland from international terrorist organizations;

(3) National Intelligence Program funds shall be expended only in support of intelligence activities with a foreign nexus consistent with the definition of intelligence provided by Chapter 3 of the National Security Act of 1947 (50 U.S.C. 3000); and

(4) the intelligence community should not engage in the collection, assessment, or analysis of information that pertains exclusively to United States persons absent a foreign nexus.

Subtitle B—Inspector General of the Intelligence Community

SEC. 321. SUBMITTAL OF COMPLAINTS AND INFORMATION BY WHISTLEBLOWERS IN THE INTELLIGENCE COMMUNITY TO CONGRESS.

(a) AMENDMENTS TO INSPECTOR GENERAL ACT OF 1978.—

(1) APPOINTMENT OF SECURITY OFFICERS.—Section 8(h) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(A) by redesignating subsection (b) as subsection (i); and

(B) by inserting after subsection (g) the following:

"(b) APPOINTMENT OF SECURITY OFFICERS.—Each Inspector General under this section, including the designees of the Inspector General of the Department of Defense pursuant to subsection (a)(3), shall appoint within their offices security officers to provide, on a permanent basis, confidential, security-related guidance and direction to an employee of their respective establishment, an employee assigned or detailed to such establishment, or an employee of a contractor of such establishment who intends to report to Congress a complaint or information under subparagraph (A) or (B)."

(2) PROCEDURES.—Subsection (d) of such section is amended—

(A) in paragraph (1), by inserting "or any other committee of jurisdiction of the Senate or the House of Representatives," after "either or both of the intelligence committees"; and

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

"(2) Except as provided in subparagraph (B), the employee may contact an intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives after "either or both of the congressional intelligence committees":

(A) in clause (1), by inserting "or any other committee of jurisdiction of the Senate or the House of Representatives" after "either or both of the congressional intelligence committees"; and

(B) by amending clause (ii) to read as follows:

"(ii) Except as provided in subclause (I), an employee may contact a congressional intelligence committee or another committee
of jurisdiction directly as described in clause (i) only if the employee—

(a) before making such a contact, furnishes to the Director, through the Inspector General, a statement of the employee's complaint or information and notice of the employee's intent to contact a congressional intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives directly; and

(b)(AA) obtains and follows from the Director, through the Inspector General, procedure on how to contact a congressional intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives in accordance with appropriate security practices; or

(bb) obtains and follows such procedural direction from the applicable security officer appointed under section 8H(h) of the Inspector General.

(ii) If an employee seeks procedural direction under subclause (i)(bb) and does not receive such procedural direction within 30 days, or receives insufficient direction to report to Congress a complaint or information, the employee may contact an intelligence community who intends to report to Congress a complaint or information may report such complaint or information directly to Congress, regardless of whether the complaint or information is with respect to an urgent concern—

(A) in lieu of reporting such complaint or information under clause (i); or

(B) in addition to reporting such complaint or information under clause (i)."

(c) in the matter before subparagraph (A), as redesignated by subparagraph (B), by inserting "(i) a matter of national security; and

(ii) not a difference of opinion concerning public policy matters.."

(2) Inspector General Act of 1978.—Paragraph (1A) of subsection (i) of section 8H of the Inspector General Act of 1978 (5 U.S.C. App.), as redesignated by section 321(a)(1)(A), is amended by striking "involving" and all that follows through "matters." and inserting the following: "of the Federal Government that is—

(i) a matter of national security; and

(ii) not a difference of opinion concerning public policy matters.."

(3) Central Intelligence Agency Act of 1991.—Section 17(d)(5)(G)(ii)(I) of the Central Intelligence Agency Act of 1991 (50 U.S.C. 3517(d)(5)(G)(ii)(I)) is amended by striking "involving" and all that follows through "matters." and inserting the following: "of the Federal Government that is—

(aa) a matter of national security; and

(bb) not a difference of opinion concerning public policy matters.."

(b) Authority of Inspectors General.—

(1) Scope of Authority of Inspector General of the Intelligence Community.—Section 103H(k)(5) of the National Security Act of 1947 (50 U.S.C. 3033(k)(5)) is amended by striking "involving" and all that follows through "matters." and inserting the following: "of the Federal Government that is—

(aa) a matter of national security; and

(bb) not a difference of opinion concerning public policy matters.."

(2) Authority of Inspectors General to Determine Matters of Urgent Concern.—Section 103H(k)(5)(G) of such Act (50 U.S.C. 3033(k)(5)(G)) is amended—

(A) in clause (i), as amended by subsection (a)(1), by redesignating subclauses (I) and (II) as items (aa) and (bb), respectively;

(B) by redesignating clauses (i), (ii), and (iii) as subclauses (I), (II), and (III), respectively;

(C) in the matter before subclause (I), as redesignated by subparagraph (B), by inserting "(i)" before "This"; and

(D) by adding at the end the following:

(ii) The Inspector General shall have sole authority to determine whether any complaint or information reported to the Inspector General is a matter of urgent concern under this paragraph.

(3) Authority of Inspectors General to Determine Matters of Urgent Concern.—Subsection (i) of section 8H of the Inspector General Act of 1978 (5 U.S.C. App.), as redesignated by section 321(a)(1)(A), is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), as amended by subsection (a)(2), by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively; and

(ii) by redesignating paragraphs (A), (B), and (C) and clauses (i), (II), (iii), respectively, as subparagraphs (A), (B), and (C), respectively;

(B) by redesigning paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(C) in the matter before subparagraph (A), as redesignated by subparagraph (B), by inserting "(i)" before "This"; and

(D) by adding at the end the following:

"(2) The Inspector General shall have sole authority to determine whether any complaint or information reported to the Inspector General is a matter of urgent concern under this section.

(4) Authority of Inspector General of Central Intelligence Agency to Determine Matters of Urgent Concern.—Section 17(d)(5)(G) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3517(d)(5)(G)) is amended—

(A) in clause (i)—

"(i) a matter of national security; and

(ii) not a difference of opinion concerning public policy matters.."
(1) in subclause (I), as amended by subsection (a)(3), by redesignating items (aa) and (bb) as subitems (AA) and (BB), respectively;

(2) by redesignating subclauses (I), (II), and (III) as items (aa), (bb), and (cc), respectively;

(3) in the matter before clause (I), as redesignated by subparagraph (B), by inserting "(i) before "but"; and

(4) redesigning the following:

"(ii) The Inspector General shall have sole authority to determine whether any complaint or matter reported to the Inspector General is a matter of urgent concern under this paragraph.";

SEC. 323. HARMONIZATION OF WHISTLEBLOWER PROTECTIONS.

(a) Prohibited Personnel Practices in the Intelligence Community—

(1) Threats Relating to Personnel Actions—

(A) Agency Employees.—Section 1104(b) of the National Security Act of 1947 (50 U.S.C. 3234(b)) is amended, in the matter preceding paragraph (1), by inserting "or, threaten to take or fail to take," after "take or fail to take".

(B) Contractor Employees.—Section 1104(c)(1) of such Act (50 U.S.C. 3234(c)(1)) is amended, in the matter preceding subparagraph (A), by inserting "of an agency or" after "Any em-

(2) Protection for Contractor Employees Against Refusal from Agency Employers.—Section 1104(c)(1) of such Act (50 U.S.C. 3234(c)(1)), as amended by paragraph (1)(B) of this subsection, is further amended, in the matter preceding subparagraph (A), by inser-

(3) Enforcement.—Subsection (d) of section 1104 of such Act (50 U.S.C. 3234) is amended to read as follows:

"(d) Enforcement.—The President shall provide for the enforcement of this section consistent, to the fullest extent possible, with the policies and procedures used to adjudge alleged violations of section 2302(b)(8) of title 5, United States Code.

(b) Retaliatory Revocation of Security Clearances and Access Determinations—

(1) Enforcement.—Section 3001(j)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(j)(1)) is amended—

(A) by redesignating paragraph (8) as para-

(B) by inserting after paragraph (7) the fol-

(2) Determining Whether the Adverse Security Clearance or Access Determination Violated Paragraph (1)—

(iii) If the actions do not result in the em-

(iv) If the actions do not result in the em-

(v) If the actions do not result in the em-

(c) Cooperation with or Disclosing Information to the Inspector General of an Agency, in Connection with an Audit, Inspection, or Investigation Conducted by the Inspector General—

(2) in subsection (c)(1), as amended by subsections (a) and (e)(1)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and moving such clauses, as so redesignated, 2 ems to the right;

(B) in the matter preceding clause (i), as redesignated and moved by subparagraph (B) of this paragraph, by striking "for a lawful disclosure" and inserting the following:

(iii) if the actions do not result in the em-

(vi) if the actions do not result in the em-

(vii) if the actions do not result in the em-

(viii) if the actions do not result in the em-

(d) Protection Disclosures to Supervisors—

(1) Personnel Actions—

(A) Disclosures by Agency Employees to Supervisors.—Section 1104(o)(1) of the National Security Act of 1947 (50 U.S.C. 3234(o)(1)) is amended, as amended by subsection (a)(1)(A), is further amended, in the matter preceding paragraph (1), by inserting "a supervisor in the employ-

(B) Disclosures by Contractor Employees to Supervisors.—Section 1104(o)(1) of such Act (50 U.S.C. 3234(o)(1)), as amended by subsection (a)(1)(A), is further amended, in the matter preceding paragraph (1), by inserting "a supervisor in the contractor em-

(c) Cooperation with or Disclosing Information to the Inspector General of an Agency, in Connection with an Audit, Inspection, or Investigation Conducted by the Inspector General—

(iii) if the actions do not result in the em-

(iv) if the actions do not result in the em-

(v) if the actions do not result in the em-

(vi) if the actions do not result in the em-

(g) Clarification Relating to Protected Disclosures—Section 1104 of the National Security Act of 1947 (50 U.S.C. 3234) is amend-

(1) in subsection (b), as amended by subsections (a)(1)(A) and (e)(1)(A)—

(B) subparagraphs (A) and (B), respectively, and moving such subparagraphs, as so redesignated, 2 ems to the right;

(C) the matter preceding subparagraph (A), as redesignated and moved by subparagraph (B) of this paragraph, by striking "for a lawful disclosure" and inserting the following:

(i) any lawful disclosure"; and

(ii) any lawful disclosure that complies

(i) any lawful disclosure that complies

(ii) the exercise of any appeal, complaint, or grievance right granted by any law, rule, or regulation;

(iii) the exercise of any appeal, complaint, or grievance right granted by any law, rule, or regulation;
Security Act of 1947 (50 U.S.C. 3234) is amended—
(1) by redesigning subsections (d) and (e) as subsections (f) and (g), respectively; and
(2) by inserting after subsection (c) the following:

"(d) RULE OF CONSTRUCTION.—Consistent with the protection of sources and methods, nothing in this subsection (b) or (c) shall be construed to authorize—
"(1) the withholding of information from Congress;
"(2) the taking of any personnel action against an employee who lawfully discloses information to Congress;
"(3) the amending of a disclosure shall not be excluded from this section because—
"(i) the disclosure was made to an individual, including a supervisor, who participated in an activity that the employee reasonably believed to be covered under subsection (b)(1)(B) or the contractor employee reasonably believed to be covered under subsection (c)(1)(A)(i); or
"(ii) the disclosure was revealed information that had been previously disclosed;
"(3) the disclosure was not made in writing;
"(4) the disclosure was made while the employee was on duty;
"(5) of the amount of time which has passed since the occurrence of the events described in the disclosure; or
"(6) the disclosure was made during the normal course of duties of an employee or contractor employee.

(b) CORRECTION RELATING TO NORMAL COURSE DISCLOSURES.—Section 3001(j)(3) of the Intelligence Reform and Terrorism Prevention Act of 2001 (50 U.S.C. 3341(j)(3)) is amended—
(1) by striking "DISCLOSURES.—" and all that follows (because—"
(2) by redesigning subsections (b) and (c), by striking "or" at the end;
(3) by redesigning clauses (j) through (v) as subparagraphs (A) through (E), respectively, and moving such subparagraphs, as so redesignated, 2 ems to the left;
(4) in subparagraph (D), as so redesignated, by striking "or" at the end;
(5) in subparagraph (E), as redesignated by paragraph (3), by striking the period at the end and inserting "or"; and
(6) by adding at the end the following:

"(F) the disclosure was made during the normal course of duties of an employee.

(i) HARM TO MAJOR OPERATIONS.—Section 3001(j)(2) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(j)(2)) is amended by inserting "or clearance action" after "personnel action," and inserting a semicolon.

(ii) ENFORCEMENT.—Section 3341(j)(3) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(j)(3)) is amended by striking "(h)" and inserting "(g)", and inserting a semicolon.

"(G) the personnel action was unavoidable under section 323(a)(3)(J) or section 323(c)(2) of the Inspector General Act of 1978 (5 U.S.C. App.).

"(H) the personnel action was taken with the express consent of the employee or contractor employee.

(2) Personnel Actions Involving Disclosure by Government Employees.—A personnel action described in subsection (a)(3)(J) shall not be considered in violation of subsection (b) or (c) under the following circumstances:

"(1) The personnel action was taken with the express consent of the employee or contractor employee.

"(ii) first, obtaining a disposition of their claim under section 1106; and

"(ii) second, submitting to the Inspector General of the Intelligence Community a request for a review of the decision of the Review Panel under section 1106.

"(I) The personnel action was not covered by a provision in paragraph (3), the employee or contractor employee may bring an action for all appropriate remedies, including injunctive relief and compensatory and punitive damages, in an amount not to exceed $250,000, against the agency of the employee or contractor agency. An action under this subsection may only be brought by the employee or contractor employee in the United States District Court for the District of Columbia.

"(J) The personnel action was taken with the express consent of the employee or contractor employee.

"(K) The personnel action was not covered by a provision in paragraph (3), the employee or contractor employee may bring an action for all appropriate remedies, including injunctive relief and compensatory and punitive damages, in an amount not to exceed $250,000, against the agency of the employee or contractor agency. An action under this subsection may only be brought by the employee or contractor employee in the United States District Court for the District of Columbia.

"(L) The personnel action was taken with the express consent of the employee or contractor employee.

"(M) The personnel action was not covered by a provision in paragraph (3), the employee or contractor employee may bring an action for all appropriate remedies, including injunctive relief and compensatory and punitive damages, in an amount not to exceed $250,000, against the agency of the employee or contractor agency. An action under this subsection may only be brought by the employee or contractor employee in the United States District Court for the District of Columbia.
A description of the activity of the controlled access programs during the period covered by the briefing.

Documentation with respect to how the controlled access programs have achieved outcomes consistent with requirements documented by the Director and, as applicable, the Secretary of Defense.

(c) The report submitted under paragraph (b) shall include—

(1) LIMITATION ON ESTABLISHMENT.—A head of an element of the intelligence community may not establish a controlled access program, or a compartment or subcompartment therein, until the head notifies the appropriate committees of Congress and congressional leadership of such compartment, or compartment, or subcompartment, as the case may be.

(2) LIMITATION ON USE OF FUNDS.—No funds may be obligated or expended by an element of the intelligence community to carry out a controlled access program, or a compartment or subcompartment therein, until the head of that element has briefed the appropriate committees of Congress and congressional leadership on the controlled access program.

(d) REPORTS .—

(1) DETAILED REPORT.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, each head of an element of the intelligence community shall report to the appropriate committees of Congress and congressional leadership a report on all controlled access programs of the element in effect.

(B) MATTERS INCLUDED.—Each report submitted under subparagraph (A) shall address, for each controlled access program, or a compartment or subcompartment therein, until the head of that element has briefed the appropriate committees of Congress and congressional leadership on the controlled access program.

(e) REPORTS.—

(1) DETAILED REPORT.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually for 2 years thereafter, the Director of National Intelligence, in coordination with the Under Secretary of Defense for Intelligence and Security and the Director of the National Reconnaissance Office, shall submit to the appropriate committees of Congress a report on the activities of the intelligence community to build an integrated hybrid space architecture that combines national and commercial capabilities and large and small satellites.

(b) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and annually for 2 years thereafter, the Director of National Intelligence shall, in consultation with such other Federal Government entities as the Director considers appropriate, submit to the appropriate committees of Congress a report on the status of the intelligence community’s counternarcotics capabilities and resourcing with regard to intelligence collection and analysis; and

(2) operational support to foreign liaison partners; and

(3) operational capacity to support the counternarcotics mission of the Federal Government.

(f) FORM.—The report required by subsection (b) shall be submitted in unclassified form, but may include a classified annex.

SEC. 331. REPORT ON EFFORTS TO BUILD AN INTEGRATED HYBRID SPACE ARCHITECTURE.

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

(1) the congressional intelligence committees;

(2) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

(3) the Committee on Foreign Affairs of the House of Representatives.

(b) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence shall, in consultation with such other Federal Government entities as the Director considers appropriate, submit to the appropriate committees of Congress an assessment on the status of the intelligence community’s counternarcotics matters.

(c) FORM.—The assessment required by subsection (b) shall be submitted in unclassified form, but may include a classified annex.

SEC. 332. REPORT ON PROJECT MAVEN TRANSITION AND REQUIREMENTS.

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

(1) the congressional intelligence committees;

(2) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

(3) the Committee on the Judiciary of the House of Representatives.

(b) REQUIREMENT.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Under Secretary of Defense for Intelligence and Security, and annually for 2 years thereafter, the Director of the National Reconnaissance Office, shall submit to the appropriate committees of Congress a report on the transition of Project Maven to operational mission support.

(c) PLAN AND MILESTONES.—The report required by subsection (b) shall include—

(1) a detailed plan of action and milestones that identifies—

(A) the milestones and decision points leading up to the transition of successful geospatial intelligence capabilities developed under Project Maven to the National Geospatial-Intelligence Agency; and

(B) the metrics of success regarding the transition described in paragraph (1) and mission support provided to the National Geospatial-Intelligence Agency for each of fiscal years 2022 and 2023.

(d) FORM.—The report required by subsection (b) shall be submitted in unclassified form, but may include a classified annex.

SEC. 333. ASSESSMENT OF INTELLIGENCE COMMUNITY COUNTERNARCOTICS CAPABILITIES.

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

(1) the congressional intelligence committees;

(2) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

(3) the Committee on Foreign Affairs of the House of Representatives.

(b) REQUIREMENT.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with such other Federal Government entities as the Director considers relevant, shall submit to the appropriate committees of Congress a report detailing the status of United States Southern Command’s intelligence collection, analysis, and operational capabilities to support Latin America-based missions.

(c) FORM.—The report required by subsection (b) shall be submitted in unclassified form, but may include a classified annex.
SEC. 336. DIRECTOR OF NATIONAL INTELLIGENCE REPORT ON TRENDS IN TECHNOLOGIES OF STRATEGIC IMPORTANCE TO THE UNITED STATES.

(a) In general.—Not less frequently than once every 2 years until the date that is 4 years after the date of the enactment of this Act, the Director of National Intelligence shall, in consultation with the Secretary of Commerce and the Director of the Office of Science and Technology Policy, submit to Congress a report on the assessment of commercial and economic trends that the Director considers to be of the most strategic importance to the United States.

(b) Contents.—The report required by subsection (a) shall include the following:

(1) A list of the top technology focus areas that the Director considers to be of the most strategic importance to the United States.

(2) A list of the top technology focus areas in which countries that are adversarial to the United States are poised to match or surpass the technological leadership of the United States.

(c) Each report submitted under subsection (a) may take the form of a National Intelligence Estimate and shall be submitted in classified form, but may include an unclassified summary.

SEC. 337. REPORT ON NORD STREAM II COMPANIES AND INTELLIGENCE TIES.

(a) Definition of appropriate committees of Congress.—In this section, the term "appropriate committees of Congress" means—

(1) the congressional intelligence committees;

(2) the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(3) the Committee on Armed Services, the Committee on Energy and Commerce, the Committee on Financial Services, the Committee on Foreign Affairs, the Committee on Appropriations of the House of Representatives.

(b) Report required.—Not later than 30 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with other appropriate Federal Government entities, shall submit to the appropriate committees of Congress a report on Nord Stream II efforts, including:

(1) an updated list of all companies supporting the Nord Stream II project; and

(2) an updated assessment of current or former ties between Nord Stream's Chief Executive Officer and Russian, East German, or Nord Stream II efforts, including:

(A) the intelligence community to provide and plan for effective intelligence support to such program; and

(B) hostile intelligence services to exploit such program or any other program by which visas for admission to the United States are issued.

(c) Form.—The report required by paragraph (1) shall be submitted in unclassified form but may include a classified annex, as necessary.

SEC. 338. ASSESSMENT OF ORGANIZATION OF DEFENSIVE INNOVATION AND RESEARCH ACTIVITIES.

(a) Definition of appropriate committees of Congress.—In this section, the term "appropriate committees of Congress" means—

(1) the congressional intelligence committees;

(2) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(3) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(b) Report required.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence shall—

(1) develop a plan for the development and resourcing of a modern digital ecosystem that embraces state-of-the-art tools and modern processes to enable development, testing, fielding, and continuous updating of artificial intelligence-powered applications at speed and scale from headquarters to the tactical edge; and

(2) submit to the Permanent Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives the plan developed under paragraph (1).

(c) Contents of plan.—At a minimum, the plan required by subsection (a) shall include the following:

(1) A road map for adopting a hoteling model to allow trusted small- and medium-sized artificial intelligence companies access to classified facilities on a flexible basis.

(2) An open architecture and an evolving reference design and guidance for needed technical investments in the proposed ecosystem that address issues, including common infrastructure platforms, software, hardware, and data infrastructure.

(3) A governance structure, together with associated policies and guidance, to drive the implementation of the reference throughout the intelligence community on a federated basis.

(4) Recommendations to ensure that use of artificial intelligence and associated data in Federal Government operations comport with requirements relating to protection of personal information, equal protection, privacy, and due process.

(d) Form.—The plan submitted under subsection (a)(2) shall be submitted in unclassified form, but may include a classified annex.

SEC. 341. STUDY ON UTILITY OF EXPANDED PERSONNEL MANAGEMENT AUTHORITY.

(a) Definition of appropriate committees of Congress.—In this section, the term "appropriate committees of Congress" means—

(1) the congressional intelligence committees;

(2) the Committee on Armed Services of the Senate; and

(3) the Committee on Armed Services of the House of Representatives.

(b) Report required.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Intelligence and Security and the Director of National Intelligence shall jointly submit to the appropriate committees of Congress a study on the utility of providing elements of the intelligence community of the Department of Defense, including the National Geospatial-Intelligence Agency, personnel management authority to attract experts in science and engineering under section 1599h of title 10, United States Code.

SEC. 342. ASSESSMENT OF ROLE OF FOREIGN GROUPS IN DOMESTIC VIOLENT EXTREMIST ACTIVITIES.

(a) Definition of appropriate committees of Congress.—In this section, the term "appropriate committees of Congress" means—

(1) the congressional intelligence committees;

(2) the Committee on Foreign Relations and the Committee on the Judiciary of the Senate; and

(3) the Committee on Foreign Affairs and the Committee on the Judiciary of the House of Representatives.

(b) Assessment required.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall—

(1) complete an assessment to identify the role of foreign groups, including entities, adversaries, governments, or other groups, in domestic violent extremist activities in the United States; and

(2) submit to the appropriate committees of Congress the findings of the Director with respect to the assessment completed under paragraph (1).

(c) Form.—The findings submitted under subsection (b)(2) shall be submitted in unclassified form, but may include a classified annex.

SEC. 343. REPORT ON THE ASSESSMENT OF ALL-SOURCE CYBER INTELLIGENCE INFORMATION WITH AN EMPHASIS ON SUPPLY CHAIN RISKS.

(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 potential for all-source cyber intelligence integration relating to foreign cyber threats, with an emphasis on cyber supply chain risks.

(b) Contents.—The report required under subsection (a) shall include:

(1) An assessment of the effectiveness of the all-source cyber intelligence integration
SEC. 344. SUPPORT FOR AND OVERSIGHT OF UNIDENTIFIED AERIAL PHENOMENA TASK FORCE.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ‘appropriate committees of Congress’ means—

(A) The congressional intelligence committees;

(B) The Committee on Armed Services of the Senate;

(C) The Committee on Commerce, Science, and Transportation of the Senate;

(D) The Committee on Armed Services of the House of Representatives;

(E) The Committee on Transportation and Infrastructure of the House of Representatives;

(F) The Committee on Science, Space, and Technology of the House of Representatives.

(2) UNIDENTIFIED AERIAL PHENOMENA TASK FORCE.—The term ‘Unidentified Aerial Phenomena Task Force’ means the task force established by the Department of Defense on August 4, 2020, to be led by the Department of the Navy, under the Office of the Under Secretary of Defense for Intelligence and Security.

(b) AVAILABILITY OF DATA ON UNIDENTIFIED AERIAL PHENOMENA.—The Director of National Intelligence and the Secretary of Defense shall each, in coordination with each other, require each element of the intelligence community and the Department of Defense with data relating to unidentified aerial phenomena to make such data available immediately to the Unidentified Aerial Phenomena Task Force and to the National Air and Space Intelligence Center.

(c) QUARTERLY REPORTS TO CONGRESS.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act and not less frequently than quarterly thereafter, the Unidentified Aerial Phenomena Task Force, or such other entity as the Deputy Secretary of Defense may designate to be responsible for matters relating to unidentified aerial phenomena, shall submit to the appropriate committees of Congress quarterly reports on the findings of the Unidentified Aerial Phenomena Task Force, or such other designated entity as the case may be.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include, at a minimum, the following:

(A) All reported unidentified aerial phenomena-related incidents that occurred during the previous 90 days.

(B) All reported unidentified aerial phenomena-related events that occurred during a time period other than the previous 90 days but were not included in an earlier report.

(3) FORM.—Each report submitted under paragraph (1) shall be submitted in classified form.

SEC. 345. PUBLICATION OF UNCLASSIFIED APPENDICES FROM REPORTS ON INTELLIGENCE COMMUNITY PARTICIPATION IN VULNERABILITIES EQUALIZATION PROCESS.

Section 672(b)(c) of the National Defense Authorization Act for Fiscal Year 2020 (50 U.S.C. 3316a(c)) is amended by adding at the end the following:

‘‘(4) PUBLICATION.—The Director of National Intelligence shall make available to the public each unclassified appendix submitted with a report under paragraph (1) pursuant to this Act, unless the report is classified.

SEC. 346. REPORT ON FUTURE STRUCTURE AND RESPONSIBILITIES OF FOREIGN MALIG INFLUENCE CENTER.

(a) ASSESSMENT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Director of National Intelligence shall—

(1) conduct an assessment as to the future structure and responsibilities of the Foreign Malign Influence Center; and

(2) submit to the congressional intelligence committees a report on the findings of the Director with respect to the assessment conducted under paragraph (1).

(b) ELEMENTS.—The assessment conducted under subsection (a)(1) shall include an assessment of whether—

(1) the Director of the Foreign Malign Influence Center should continue to report directly to the Director of National Intelligence; or

(2) the Foreign Malign Influence Center should become an element of the National Counterintelligence and Security Center and the Director of the Foreign Malign Influence Center should report to the Director of the National Counterintelligence and Security Center.

Subtitle D—People's Republic of China

SEC. 351. ASSESSMENT OF POSTURE AND CAPABILITIES OF INTELLIGENCE COMMUNITY WITH RESPECT TO ACTIONS OF THE PEOPLE'S REPUBLIC OF CHINA TARGETING TAIWAN.

(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ‘appropriate committees of Congress’ means—

(1) the congressional intelligence committees;

(2) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, the Committee on Health, Education, Labor, and Pensions, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Foreign Relations of the Senate; and

(3) the Committee on Armed Services, the Committee on Homeland Security, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Foreign Relations of the House.

(b) ASSESSMENT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate committees of Congress an assessment of the People's Republic of China's plans, intentions, capabilities, and resources devoted to biotechnology, and the objectives underlying those activities. The assessment shall include—

(1) a detailed analysis of the People's Republic of China targeting Taiwan; and

(2) policymakers with sufficient lead time to respond to actions described in subparagraph (A); and

(2) submit to the appropriate committees of Congress the findings of the assessment completed under paragraph (1).

(c) FORM.—The findings submitted under subsection (b)(2) shall be submitted in unclassified form, but may include a classified annex.

SEC. 352. PLAN TO COOPERATE WITH INTELLIGENCE AGENCIES OF KEY DEMOCRATIC COUNTRIES REGARDING TECHNOLOGICAL COMPETITION WITH PEOPLE'S REPUBLIC OF CHINA GENOMIC COLLECTION.

(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ‘appropriate committees of Congress’ means—

(1) the congressional intelligence committees;

(2) the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(3) the Committee on Foreign Affairs of the House of Representatives.

(b) PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate committees of Congress a plan to increase cooperation with the intelligence agencies of key democratic countries and key partners and allies of the United States in order to track and analyze the following:

(1) Technology capabilities and gaps among allied and partner countries of the United States;

(2) Current capabilities of the People’s Republic of China in critical technologies and components.

(3) The efforts of the People’s Republic of China to buy startups, conduct joint ventures, and invest in specific technologies globally.

(4) The technology development of the People’s Republic of China in key technology sectors.

(5) The efforts of the People’s Republic of China relating to standard-setting fora.

(6) Supply chain vulnerabilities for key technology sectors.

SEC. 353. ASSESSMENT OF PEOPLE'S REPUBLIC OF CHINA GENOMIC COLLECTION.

(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ‘appropriate committees of Congress’ means—

(1) the congressional intelligence committees;

(2) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, the Committee on Health, Education, Labor, and Pensions, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Foreign Relations of the Senate; and

(3) the Committee on Armed Services, the Committee on Homeland Security, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Foreign Relations of the House.

(b) ASSESSMENT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with other appropriate Federal Government entities, shall submit to the appropriate committees of Congress an assessment of the People’s Republic of China’s plans, intentions, capabilities, and resources devoted to biotechnology, and the objectives underlying those activities. The assessment shall include—

(1) a detailed analysis of efforts undertaken by the People’s Republic of China (PRC) to acquire foreign biotechnology, research and development, and genetic information, including technology owned by United States companies, research by United States institutions, and the genetic information of United States citizens;

(2) identification of PRC-based organizations conducting or directing these efforts, including information about the ties between those organizations and the PRC government, the Chinese Communist Party, or the People’s Liberation Army; and

(3) a detailed analysis of the intelligence community resources devoted to biotechnology, including synthetic biology and genomic-related issues, and a plan to improve understanding and ensure the intelligence community has the requisite expertise.
SEC. 355. REPORT ON TARGETING OF RENEWABLE SECTORS BY CHINA.

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

(1) the congressional intelligence committees;
(2) the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate; and
(3) the Committee on Foreign Affairs and the Committee on Financial Services of the House of Representatives.

(b) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate committees of Congress a report on efforts of the Chinese Communist Party to stifle political freedoms in Hong Kong, influence or manipulate the judiciary of Hong Kong, and take actions to otherwise undermine the democratic processes of Hong Kong.

(c) CONTENTS.—The report submitted under subsection (b) shall include an assessment of the implications of the efforts of the Chinese Communist Party described in such subsection for international business, investors, academic institutions, and other individuals operating in Hong Kong.

(d) FORM.—The report submitted under subsection (b) shall be submitted in unclassified form, but may include a classified annex.

SEC. 356. STUDY ON THE CREATION OF AN OFFICIAL DIGITAL CURRENCY BY THE PEOPLE’S REPUBLIC OF CHINA.

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

(1) the congressional intelligence committees;
(2) the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Affairs, the Committee on Appropriations of the Senate; and
(3) the Committee on Financial Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(b) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the President shall submit to the appropriate committees of Congress a report on the short-, medium-, and long-term national security implications associated with the creation and use of the official digital renminbi of the People’s Republic of China, including—

(1) risks arising from potential surveillance of transactional activities;
(2) risks related to security and illicit finance; and
(3) risks related to economic coercion and social control by the People’s Republic of China.

(c) FORM OF REPORT.—The report required by subsection (b) shall be submitted in unclassified form, but may include a classified annex.

SEC. 357. REPORT ON EFFORTS OF CHINESE COMMUNIST PARTY TO ERODE FREEDOM OF SPEECH IN HONG KONG.

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

(1) the congressional intelligence committees;
(2) the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate; and
(3) the Committee on Foreign Affairs and the Committee on Financial Services of the House of Representatives.

(b) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate committees of Congress a report assessing the efforts and advancements of China in the wind power, solar power, and electric vehicle battery production sectors (or key components of such sectors).

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

(1) An assessment of how China is targeting rare earth minerals and the effect of such targeting on the sectors described in subsection (b).
(2) Details of the use by the Chinese Communist Party of state-sanctioned forced labor schemes, including forced labor and the transfer of Uyghurs and other ethnic groups, and other human rights abuses in such sectors.

(d) FORM.—The report submitted under subsection (b) shall be submitted in unclassified form, but may include a classified annex.

TITLE IV—ANOMALOUS HEALTH INCIDENTS

SEC. 401. DEFINITION OF ANOMALOUS HEALTH INCIDENT.

In this title, the term “anomalous health incident” means an unexplained health event characterized by any of a collection of symptoms and clinical signs that includes the sudden onset to perceived loud sound, a sensation of intense pressure or vibration in the head, possibly with a directional character, followed by the onset of tinnitus, hearing loss, acute dizziness, unsteady gait, visual disturbances, and ensuing cognitive dysfunction.

SEC. 402. ASSESSMENT AND REPORT ON INTERAGENCY COMMUNICATION RELATING TO EFFORTS TO ADDRESS ANOMALOUS HEALTH INCIDENTS.

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

(1) the congressional intelligence committees;
(2) the Committee on Foreign Relations of the Senate; and
(3) the Committee on Foreign Affairs of the House of Representatives.

(b) ASSESSMENT AND REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall—

(1) establish an advisory panel to assess the capabilities, expertise, and qualifications of the Office of Medical Services of the Central Intelligence Agency in response to and with elements of the Federal Government that are not part of the Intelligence Community in their efforts to address anomalous health incidents; and
(2) submit to the appropriate committees of Congress a report on the findings of the Director with respect to the assessment conducted under paragraph (1).

(c) FORM.—The report required pursuant to subsection (b)(2) shall be submitted in unclassified form, but may include a classified annex.

SEC. 403. ADVISORY PANEL ON THE OFFICE OF MEDICAL SERVICES OF THE CENTRAL INTELLIGENCE AGENCY.

(a) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall establish, under the sponsorship of the appropriate committees of Congress, an advisory panel to address anomalous health incidents.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The advisory panel shall be composed of at least 9 individuals selected by the Director of National Intelligence from among individuals who are recognized experts in the medical profession and intelligence community.

(2) DIVERSITY.—In making appointments to the advisory panel, the Director shall ensure that the members of the panel reflect diverse experiences in the public and private sectors.

(c) DUTIES.—The duties of the advisory panel established under subsection (a) are as follows:

(1) To review the performance of the Office of Medical Services of the Central Intelligence Agency, specifically as it relates to the medical care of personnel of the intelligence community who are reporting symptoms consistent with anomalous health incidents.

(2) To assess the policies and procedures that guided external treatment referral practices for Office of Medical Services patients with reported symptoms consistent with anomalous health incidents during the period described in paragraph (1).

(3) To develop recommendations regarding policies and procedures to improve patient treatment by the Office of Medical Services with regard to anomalous health incidents, including with respect to access to external treatment facilities and specialized medical care.

(4) To prepare and submit a report as required by subsection (e)(1).

(d) FORM.—The report required under subsection (c) shall be submitted in unclassified form.

(1) IN GENERAL.—The Director of the Central Intelligence Agency shall provide the
advisory panel established pursuant to subsection (a) with timely access to appropriate information, data, resources, and analysis so that the advisory panel may carry out the duties of the advisory panel under subsection (c).

(2) INAPPLICABILITY OF FACIA.—The requirements of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory panel established pursuant to subsection (a).

(3) MODIFICATION OF PROCEDURES.—The procedures established pursuant to subsection (a) may be modified by the President or the Director of National Intelligence, as appropriate, to accommodate the unique circumstances of the advisory panel.

(4) DISCLOSURE OF INFORMATION.—The Director of National Intelligence may disclose information and data to the advisory panel if the Director determines that such disclosure is necessary to carry out the duties of the advisory panel.

(5) RESPONSIBILITY FOR AGENCY.—The responsibility for the agency, as defined under this act, shall remain with the President or the Director of National Intelligence, as appropriate, to ensure compliance with the requirements of this section.

(6) IMPLEMENTATION.—The implementation of this section shall be conducted in accordance with the guidelines established by the President or the Director of National Intelligence, as appropriate.

SEC. 405. REPORTING ON OCCURRENCE OF ANOMALOUS HEALTH INCIDENTS.

(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ‘appropriate committees of Congress’ means—

(1) the congressional intelligence committees;

(2) the Committee on Appropriations of the Senate; and

(3) the Committee on Appropriations of the House of Representatives.

(b) IN GENERAL.—Whenever the head of an element of the intelligence community becomes aware of a report of an anomalous health condition, the head of the element shall submit to the appropriate committees of Congress a brief report on the occurrence of the incident.

(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:

"(e) REPORTS.—In this section:

(A) a history of anomalous health incidents; and

(B) additional recommendations for legislation or administrative action as the panel considers appropriate.

(c) ELEMENTS.—The final report submitted under paragraph (1) shall contain a detailed statement of the findings and conclusions of the panel, including—

(1) A history of anomalous health incidents; and

(2) Additional recommendations for legislation or administrative action as the panel considers appropriate.

(d) IN GENERAL.—The Director of National Intelligence shall submit to the appropriate congressional committees a report or provide such committees with briefings on the interim findings of the advisory panel with respect to the elements set forth in paragraph (2).

(e) CONSULTATION.—In carrying out subsection (a)(1), the Director of National Intelligence shall submit to the congressional intelligence committees such comments as the Director may have with respect to such report.

SEC. 406. ACCESS TO CERTAIN FACILITIES OF UNITED STATES GOVERNMENT FOR INVESTIGATIVE PURPOSES ON ANOMALOUS HEALTH CONDITIONS.

(a) ASSESSMENT.—The Director of National Intelligence shall ensure that elements of the intelligence community provide to employees of elements of the intelligence community and their family members who are experiencing symptoms of anomalous health conditions timely access to assessement to facilities of the United States Government with expertise in traumatic brain injury.

(b) PROCESS FOR ASSESSMENT AND TREATMENT.—The Director of National Intelligence shall coordinate with the Secretary of Defense and the head of such Federal agencies as the Director considers appropriate to ensure there is a process to provide employees and their family members described in subsection (a) with timely access to the National Intrepid Center, the Intrepid Spirit Center, or an appropriate military medical treatment facility for assessment and, if necessary, treatment, by not later than 60 days after the date of the enactment of this Act.

TITLE V—SECURITY CLEARANCES AND TRUSTED WORKFORCE

SEC. 501. EXCLUSIVITY, CONSISTENCY, AND TRUSTED WORKFORCE 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:

"(e) EXCLUSIVITY.—Except as provided in subsection (b) and subject to sections 801A and 801B, the procedures established pursuant to subsection (a) shall be the exclusive procedures by which decisions about eligibility for access to classified information are governed.

(f) TRANSAPRENCY.—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) IN GENERAL.—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.

"(e) 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:

"(f) REPORTS.—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.

"(B) A civilian.

"(C) An expert or consultant with a contractual or personal obligation to an agency.

"(D) Any other category of person who acts or be employed in a position that requires access to classified information by an agency.

"(E) A member of the Armed Forces.

"(F) A civilian.

"(G) Any other category of person who acts or be employed in a position that requires access to classified information by an agency.

"(H) A member of the Armed Forces.

"(I) A civilian.

"(J) Any other category of person who acts or be employed in a position that requires access to classified information by an agency.
may define in the procedures established pursuant to section 801(a).

""(5) RECIPROCITY OF CLEARANCE.—The term ‘reciprocity of clearance’, with respect to a covered person, means that the agency, with respect to a covered person—

""(A) failed to accept a security clearance background investigation as required by paragraph (3) 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; or

""(C) conducted an investigation 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 2001(a).

""(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 2022, each head of an agency shall, consistent with the interests of national security, establish the Federal Register Register a process by which a covered person to whom eligibility for access to classified information is denied by the agency can appeal that denial.

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

""(A) The case of a covered person to whom eligibility for access to classified information is denied by the agency.

""(B) A requirement that each appeal of a decision of an agency head under paragraph (3) of such section be resolved on average not later than 180 days after the date on which a hearing is requested under subparagraph (A)(v).

""(C) AGENCY REVIEW PANELS.—

""(A) In general.—Each head of an agency shall establish a panel to hear and review appeals under this subsection.

""(B) MEMBERS.—

""(i) COMPOSITION.—Each panel established by the head of an agency under subparagraph (A) shall be composed of at least 3 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 under subparagraph (A) shall not exceed 2 years.

""(C) DECISIONS.—

""(i) Written.—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 makes 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 subsection shall be final subject to appeal and review under section 902(a). (Public Law 104–231);

""(D) ACCESS TO CLASSIFIED INFORMATION.—

""(i) 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 submitted under this subsection; and

""(II) consistent with the interests of national security.

""(ii) REPRESENTATION BY COUNSEL.—

""(A) A panel established under subparagraph (A) or overturned pursuant to clause (iii) of this subsection shall be searchable by members of the public.

""(B) A requirement that each review of a decision of the panel pursuant to subsection (c) be made in a manner that is consistent with section 552 of title 5, United States Code.

""(C) DECISIONS.—

""(i) made in a manner that is consistent with the 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) HIGHER LEVEL REVIEW.—

""(1) PANEL.—

""(A) A requirement that each panel established under subparagraph (A) shall be composed of three individuals selected by the head of the agency, each of whom is selected to be a panel member and to serve as a member of the panel selected by the agency head under this subsection.

""(2) APPEALS AND TIMELINESS.—

""(i) as they relate to violations of section 801A(b); or

""(ii) to the extent to which an agency properly conducted a review of an appeal pursuant to subsection (b).

""(D) COMPOSITION.—The panel established pursuant to subparagraph (A) shall be composed of three individuals selected by the Security Executive Agent for purposes of the panel, of whom at least one shall be an attorney.

""(1) APPEALS AND TIMELINESS.—

""(i) INITIATION.—On or before the date that is 30 days after the date on which a covered person receives a written decision on an appeal that is established under subsection (b), the covered person may initiate oversight of that decision by filing a written appeal with the Security Executive Agent.

""(2) 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 approve an application by the covered person for access to classified information for the limited purposes of such appeal.

""(ii) EXTENT OF ACCESS.—Counsel or another representative of the covered person shall be afforded access to relevant classified materials to the extent consistent with the interests of national security.

""(iii) CORRECTIVE ACTION.—If, in the course of proceedings under this subsection, the head of an agency or a panel established by the agency head under paragraph (3) decides that a covered person’s eligibility for access to classified information was improperly denied or revoked by the agency, the agency shall take corrective action to return the covered person, as nearly as practicable and reasonable, to the position such covered person would have held had the improper denial or revocation not occurred.

""(4) REPRESENTATION BY COUNSEL.—

""(A) IN GENERAL.—Each head of an agency shall publish each final decision on an appeal under this subsection.

""(B) REPRESENTATION.—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—

""(i) made in a manner that is consistent with section 552 of title 5, United States Code.

""(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.
and containing such information as the Security Executive Agent may require, including—

(1) a description of—

(a) alleged violations of section 801A(b) relating to the denial or revocation of the covered person’s eligibility for access to classified information; and

(b) the basis of how the decision may have been the result of the agency failing to properly conduct a review under subsection (b); and

(2) written materials and information for the allegations described under subclause (i).

(3) Timeliness.—The Security Executive Agent shall ensure that, on average, review of each appeal filed under this subsection is completed not later than 180 days after the date on which the appeal is filed.

(3) DECISIONS AND REMANDS.—

(A) In general.—If, in the course of reviewing under this subsection a decision of an agency under subsection (b), the panel established under paragraph (1) decides that there is sufficient evidence of a violation of section 801A(b) to merit a new hearing or a decision by the agency, the agency was the result of an improperly conducted review under subsection (b), the panel shall vacate the decision made under subsection (b) and remand the matter by which the covered person shall be eligible for a new appeal under subsection (b).

(B) Written decisions.—Each decision of the panel established under paragraph (1) shall be in writing and contain a justification of the decision.

(C) Consistency.—The panel under paragraph (1) shall ensure that each decision of the panel is consistent with the interests of national security and applicable provisions of law.

(4) FINALITY.—

(A) In general.—Except as provided in clause (i), each decision of the panel established under paragraph (1) shall be final.

(B) Overturn.—The Security Executive Agent may overturn a decision of the panel if, not later than 30 days after the date on which the panel issues the decision, the Security Executive Agent personally exercises the authority granted by this clause to overturn any appeal under subsection (b).

(5) NOTICE OF REMANDS.—In remanding a decision under subparagraph (A), the panel established under paragraph (1) may not direct the submission of any further appeal under subsection (b).

(F) NOTICE OF DECISIONS.—For each decision of the panel established under paragraph (1) that grants a covered person, the Security Executive Agent shall provide the covered person with a written notice of the decision that includes a detailed description of the decision, consistent with the interests of national security and applicable provisions of law.

(6) REPRESENTATION BY COUNSEL.—

(A) In general.—The Security Executive Agent shall ensure that, under this subsection, a covered person appealing a decision under subsection (b) 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 the covered person and a showing that the ability to review classified information is essential to the resolution of an appeal under this subsection, the Security Executive Agent shall afford access to any or all classified information by the counsel or other representation retained under this paragraph for access to classified information for the limited purposes of such appeal.

(ii) IN GENERAL.—Counsel or any other 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.

(iii) Access to documents and employees.—

(A) Affording access to members of panel.—The Security Executive Agent shall afford access to classified information to the personnel of the panel established under paragraph (1) as the Security Executive Agent determines—

(i) necessary for the panel to review a decision described in such paragraph and—

(ii) consistent with the interests of national security.

(B) Agency compliance with requests of panel.—Each request shall be made in writing. The Security Executive Agent shall provide a response to each request by the panel for access to employees of the agency necessary for the review of an appeal under this subsection, to the degree that doing so is, as determined by the head of the agency and permitted by applicable provisions of law, consistent with the interests of national security.

(6) Publication of decisions.—

(A) In general.—For each final decision on an appeal made under this section, the Security Executive Agent shall publish the decision, consistent with the interests of national security.

(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 104–67); and

(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.

(D) Period of time for the right to appeal.—

(i) In general.—Except as provided in paragraph (2), any covered person who has been the subject of a decision made by the agency that affects eligibility for access to classified information shall retain all rights to appeal under this section until the conclusion of the appeals process established 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.

(3) Waiver of availability of procedures for national security interest.—

(A) 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.

(B) Finality.—A determination under paragraph (1) 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.

(5) 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 stating the reasons for 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.

(6) Denials and revocations under other provisions of law.—

(i) 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.

(ii) 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.

(iii) Finality.—A determination under paragraph (2) shall be final and conclusive and may not be reviewed by any other official or by any court.

(7) Annual Reports.—

(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.

(8) 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 stating the reasons for 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.
“(g) 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 a covered policy or for 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 security clearance.

“(h) 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 of clearance for individuals by Executive Order 10865 (50 U.S.C. 3101 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.”

“(1) RULE OF CONSTRUCTION RELATING TO CERTAIN OTHER PROVISIONS OF LAW.—This section and any procedures and processes 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.”

“SECTION 502. FEDERAL POLICY ON SHARING OF COVERED INSIDER THREAT INFORMATION PERTAINING TO CONTRACTOR EMPLOYEES IN THE TRUSTED WORKFORCE.

(a) DEFINITION OF COVERED INSIDER THREAT DRIVER.—In this section, the term ‘covered insider threat information’—

(1) means information that—

(A) is adjudicatively relevant;

(B) a Federal Government agency has vetted and verified; and

(C) according to Director of National Intelligence policy, is deemed relevant to a contractor employee protected against insider threats as required by section 117.7(d) of title 32, Code of Federal Regulations, or successor regulation; and

(2) includes pertinent information considered in the counter-threat assessment as allowed by a Federal statute or an Executive Order.

(b) POLICY REQUIRED.—Not later than 2 years after the date of the enactment of this Act, the Director of National Intelligence shall, in coordination with the Department of Defense, the Office of Management and Budget, and the Attorney General, issue a policy for the Federal Government on sharing covered insider threat information pertaining to contractor employees engaged by the Federal Government.

(c) CONSENT REQUIREMENT.—The policy issued under subsection (b) shall require, as a condition of obtaining and maintaining a security clearance with the Federal Government, that a contractor employee provide prior written consent for the Federal Government to share covered insider threat information with the insider threat program senior official of the contractor employer that employs the contractor employee. Such policy may include restrictions on the further disclosure of such information.

(d) CONSULTATION WITH CONGRESS.—The Director of National Intelligence shall establish a process for consulting on a quarterly basis with Congress and industry partners during development of the policy required under subsection (b).

(e) REVIEW.—

(1) IN GENERAL.—Not later than 1 year after the date of issuance of the policy required by subsection (b), the Director of National Intelligence and the Secretary of Defense shall jointly submit to Congress and the Committees of the Senate and the House of Representatives an assessment of the recommendations as the Director and the Secretary consider appropriate a review of the policy issued under subsection (b).

(2) CONSULTATION.—The review submitted under paragraph (1) shall include the following:

(A) An assessment of the utility and effectiveness of the policy issued under subsection (b).

(B) Such recommendations as the Director and the Secretary may have for legislative or administrative action relevant to such policy.

 SEC. 503. PERFORMANCE MEASURES REGARDING TIMELINESS FOR PERSONNEL MOBILITY.

(a) POLICY REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall develop and submit to Congress a policy for the Federal Government to share covered insider threat information commonly referred to as ‘sensitive compartmented information’ (SCI) from one Federal agency to another, or from one contractor to another in the case of a contractor.

(b) REQUIREMENTS.—The policy issued under subsection (a) shall—

(1) to the degree practicable, cover all personnel who are moving to positions that require a security clearance and access to sensitive compartmented information;

(2) cover the period from the first time a Federal agency submits a request to a Federal agency for the transfer of the employment of an individual with a clearance or eligibility for access to SCI to another Federal agency, to the time the individual is authorized by that receiving agency to start to work in the new position; and

(3) include analysis of all appropriate phases of the process, including polygraph, suitability determination, fitness determination, human resources review, transfer of the individual’s security information access, and contract actions.

(c) UPDATED POLICIES.—

(1) MODIFICATIONS.—Not later than 1 year after the date on which the Director issues the policy under subsection (a), the Director shall issue modifications to such policies as the Director determines were issued before the issuance of the policy under such subsection and are relevant to such updated policy, as the Director considers appropriate.

(2) RECOMMENDATIONS.—Not later than 1 year after the date on which the Director issues the policy under subsection (a), the Director shall submit to Congress recommendations for legislative action to update the process of sharing such information, in statute, to measure parts of the process that support transfers described in subsection (a).

(d) ANNUAL REPORT.—Not later than 180 days after issuing the policy required by subsection (a) and not less frequently than once every 2 years thereafter, the Director shall submit to Congress a report on the implementation of such policy. Such report shall address performance by agency and by clearance type in meeting such policy.

SEC. 504. GOVERNANCE OF TRUSTED WORKFORCE 2.0 INITIATIVE.

(a) GOVERNANCE.—The Director of National Intelligence, acting as the Security Executive Agent, and the Director of the Office of Personnel Management, acting as the Suitability and Credentialing Executive Agent, in coordination with the Deputy Director for Management in the Office of Management and Budget, the Director of the Office of Science and Technology Policy, and the Under Secretary of Defense for Intelligence and Security, shall jointly—

(1) not later than 180 days after the date of the enactment of this Act, publish in the Federal Register a policy with guidelines and standards for Federal Government agencies and industry partners to implement the Trusted Workforce 2.0 initiative, including those associated with the National Background Investigation Service; and

(2) not later than 90 days after the date of the enactment of this Act, submit to Congress performance management metrics for the implementation of the Trusted Workforce 2.0 initiative, including performance management metrics regarding timeliness, cost, and measures of effectiveness.

(b) INDEPENDENT STUDY ON TRUSTED WORKFORCE 2.0.—

(1) STUDY REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence shall enter into an agreement with an entity that is not part of the Federal Government to conduct a study on the effectiveness of the initiatives of the Federal Government known as Trusted Workforce 1.25, 1.5, and 2.0.

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

(A) An assessment of how effective such initiatives are or will be in safeguarding government information that should or should not have access to classified information.

(B) A comparison of the effectiveness of such initiatives with the system of periodic reevaluations that was in effect on the day before the date of the enactment of this Act.

(C) Identification of what is lost from the suspension of universal periodic reevaluations in favor of a system of continuous vetting.

(D) An assessment of the relative effectiveness of Trusted Workforce 1.25, Trusted Workforce 1.5, and Trusted Workforce 2.0.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director shall submit a report on the findings from the study conducted under paragraph (1) to the following:

(A) The congressional intelligence committees.

(B) The Committee on Armed Services of the Senate.

(C) The Committee on Homeland Security and Governmental Affairs of the Senate.

(D) The Committee on Armed Services of the House of Representatives.

(E) The Committee on Oversight and Reform of the House of Representatives.

TITLE VI—OTHER INTELLIGENCE MATTERS

SEC. 601. PERIODIC REPORTS ON TECHNOLOGY STRATEGY OF INTELLIGENCE COMMUNITY.

(a) PERIODIC REPORTS REQUIRED.—Not later than 3 years after the date of enactment of this Act and not less frequently than once every 4 years thereafter, the Director of National Intelligence shall, in coordination with the Director of the Office of Science and Technology Policy, the Secretary of Commerce, and the heads of such other agencies

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as the Director considers appropriate, submit to Congress a comprehensive report on the technology strategy of the intelligence community, which shall be designed to support maintaining United States leadership in critical and emerging technologies essential to United States national security.

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

(1) An assessment of technologies critical to United States national security, particularly those emerging with respect to which countries that are adversarial to the United States have or are poised to match or surpass the technology leadership of the United States.

(2) A review of existing technology policies of the intelligence community, including long-range goals.

(3) Identification of sectors and supply chains that the Director considers to be of the most strategic importance to national security.

(4) Identification of opportunities to protect the leadership of the United States and allies of the United States in critical technologies, including through targeted export controls, investment screening, and counter-intelligence activities.

(5) Identification of research and development areas critical to national security, including in which the private sector does not focus.

(6) Recommendations for growing talent in key critical and emerging technologies and enhancing the ability of the intelligence community to recruit and retain individuals with critical skills.

(7) Joint identification of opportunities to improve United States leadership in critical technologies, including opportunities to develop international partnerships to reinforce United States leadership in critical technologies.

(8) A technology annex, which may be classified, to establish an approach to the identification, prioritization, development, and fielding of technologies critical to the mission of the intelligence community.

(9) Such other information as may be necessary to help inform Congress on matters relating to the technology strategy of the intelligence community and related implications for United States national security.

SEC. 602. IMPROVEMENTS RELATING TO CON- TINUITY OF PRIVACY AND CIVIL LIB- ERTIES OVERSIGHT BOARD MEM- BERSHIP.

Paragraph (4) of section 106(l)(h) of the Intelligence Reform and Terrorism Prevention Act of 2004 (42 U.S.C. 2000ee(h)) is amended to read as follows:

"(4) "(A) COMMENCEMENT.—Each member of the Board shall serve a term of 6 years, commencing on the date of the appointment of the member to the Board.

(B) REAPPOINTMENT.—A member may be reappointed to one or more additional terms.

(C) VACANCY.—A vacancy in the Board shall be filled in the manner in which the original appointment was made.

(D) EXTENSION.—Upon the expiration of the term of office of a member, the member may continue to serve, at the election of the member—

(i) during the period preceding the reappointment of the member pursuant to subparagraph (B); and

(ii) until the member’s successor has been appointed and qualified."
Director of National Intelligence shall submit to the appropriate committees of Congress a report in writing and provide such committees a briefing on the findings of the Director of National Intelligence to the study conducted under subsection (b).

SEC. 605. AUTHORITY FOR TRANSPORTATION OF FEDERALLY OWNED CANINES ASSOCIATED WITH FORCE PROTECTION DUTIES OF INTELLIGENCE COMMUNITY.

Section 343(a)(2)(B) of title 31, United States Code, is amended by inserting ‘‘, or transportation of federally owned canines associated with force protection duties of any part of the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003))’’ after ‘‘duties’’.

DIVISION G—DEPARTMENT OF STATE AUTHORIZATION ACT OF 2021

SEC. 10001. SHORT TITLE.

This division may be cited as the ‘‘Department of State Authorization Act of 2021’’.

SEC. 10002. DEFINITIONS.

In this division:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘‘appropriate congressional committees’’ means the Committee on Foreign Relations and the Committee on Foreign Affairs of the House of Representatives.

(2) DEPARTMENT.—If not otherwise specified, the term ‘‘Department’’ means the Department of State.

(3) SECRETARY.—If not otherwise specified, the term ‘‘Secretary’’ means the Secretary of State.

TITLE I—ORGANIZATION AND OPERATIONS OF THE DEPARTMENT OF STATE

SEC. 10101. SENSE OF CONGRESS ON IMPORTANT OF DEPARTMENT OF STATE’S WORK.

It is the sense of Congress that—

(1) United States global engagement is key to a stable and prosperous world;

(2) United States leadership is indispensable in light of the many complex and interconnected threats facing the United States and the world;

(3) Diplomacy and development are critical tools of national power, and full deployment of these tools is vital to United States national security;

(4) Challenges such as the global refugee and migration crises, terrorism, historic famine and food insecurity, and fragile or repressing regimes cannot be addressed with tools typically used by the military, and full use of diplomacy and development to advance United States interests and values are promoted through United States diplomatic engagement, security cooperation, economic statecraft, and assistance that helps further economic development, good governance, including the rule of law and democratic institutions, and the development of shared responses to natural and humanitarian disasters;

(7) As the United States Government agencies primarily charged with conducting diplomacy and development, the Department and the United States Agency for International Development (USAID) require sustained and robust funding to carry out this important work, which is essential to our ability to advance United States interests around the world;

(8) The work of the Department and USAID makes the United States and the world safer and more prosperous by alleviating global poverty and hunger, fighting HIV/AIDS and other infectious diseases, including humanitarian alliances, expanding educational opportunities for women and girls, promoting good governance and democracy, supporting anti-corruption efforts, improving the development of trade and trade, preventing armed conflicts and humanitarian crises, and creating American jobs and export opportunities;

(9) The Department and USAID are vital national security agencies, whose work is critical to the projection of United States power and leadership worldwide, and without which Americans would be less safe, United States economic power would be diminished, and global stability and prosperity would suffer;

(10) Investing in diplomacy and development before conflicts break out saves American lives while also being cost-effective; and

(11) The contributions of personnel working at the Department and USAID are extraordinarily valuable and allow the United States to maintain its leadership around the world.

SEC. 10102. ASSISTANT SECRETARY FOR INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT AFFAIRS.

(a) IN GENERAL.—Section 1(c) of the Department of State Basic Authorities Act of 1966 (22 U.S.C. 2651a(c)) is amended—

(1) by redesigning paragraphs (3) and (4) as paragraphs (4) and (5); and

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

‘‘(3) ASSISTANT SECRETARY FOR INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT AFFAIRS.—

‘‘(A) IN GENERAL.—There is authorized to be in the Department of State an Assistant Secretary for International Narcotics and Law Enforcement Affairs, who shall be responsible to the Secretary of State for all matters, programs, and related activities pertaining to international narcotics, anti-crime, and law enforcement affairs in the conduct of foreign policy by the Department, including, as appropriate, leading the coordination of programs carried out by United States Government agencies abroad, and such other related duties as the Secretary may from time to time designate.

‘‘(B) AREAS OF RESPONSIBILITY.—The Assistant Secretary for International Narcotics and Law Enforcement Affairs shall maintain continuous observation and coordination of all matters pertaining to international narcotics and related law enforcement affairs in the conduct of foreign policy, including programs carried out by other United States Government agencies when such programs pertain to the following matters:

(i) Combating, in conjunction with other relevant bureaus of the Department of State and other United States Government agencies, all forms of transnational organized crime, including human trafficking, illicit trafficking in arms, wildlife, and cultural property, migrant smuggling, corruption, money laundering, the illicit smuggling of oil, and the illicit use of the financial systems for malign purposes, and other new and emerging forms of crime.

(ii) Identifying and responding to global corruption, including the strengthening of the capacity of foreign government institutions responsible for addressing financial crimes and engaging in robust, multilateral organizations responsible for monitoring and supporting foreign governments’ anti-corruption efforts.

(C) ADDITIONAL DUTIES.—In addition to the responsibilities specified in subparagraph (B), the Assistant Secretary for International Narcotics and Law Enforcement Affairs shall also—

(I) carry out timely and substantive consultation with chiefs of mission and, as appropriate, the heads of other United States Government agencies to ensure effective coordination of all international narcotics and law enforcement programs carried out overseas by the Department and such other agencies;

(II) coordinate with the Office of National Drug Control Policy to ensure lessons learned from other United States Government agencies are available to the Bureau of International Narcotics and Law Enforcement Affairs of the Department;

(III) develop standard requirements for monitoring and evaluation of Bureau programs, including metrics for success that do not rely solely on the amounts of illegal drugs that are produced or seized;

(IV) in coordination with the Secretary of State, annually certify to the Committee on Foreign Relations of the Senate that United States and the Committee on Foreign Affairs of the House of Representatives enforcement personnel posted abroad whose activities are funded to any extent by the Bureau of International Narcotics and Law Enforcement Affairs are complying with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927); and

(V) carry out such other relevant duties as the Secretary may assign.

(D) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed to limit or impair the authority or responsibility of any other Federal agency with respect to law enforcement, domestic security, or intelligence activities as defined in Executive Order 12333.

(b) MODIFICATION OF ANNUAL INTERNATIONAL NARCOTICS CONTROL STRATEGY REPORT.—Subsection (a) of section 499 of the Foreign Assistance Act of 1961 (22 U.S.C. 2301h) is amended by inserting after paragraph (9) the following new paragraph:

‘‘(10) A separate section that contains an identification of all United States Government agencies supporting law enforcement, the Bureau of International Narcotics and Law Enforcement Affairs and any Bureau-funded operations by such units in which United States law enforcement personnel have been physically present.’’.

SEC. 10103. BUREAU OF CONSULAR AFFAIRS; BUREAU OF POPULATION, REFUGEES, AND MIGRATION.

Section 1 of the State Department Basic Authorities Act of 1966 (22 U.S.C. 2651a) is amended—

(1) by redesigning subsection (g) as subsection (j); and

(2) by inserting after subsection (f) the following new subsection:

‘‘(g) BUREAU OF CONSULAR AFFAIRS.—There is in the Department of State the Bureau of
Consular Affairs, which shall be headed by the Assistant Secretary of State for Consular Affairs.

(b) BUREAU OF POPULATION, REFUGEES, AND MIGRATION.—The Bureau of Population, Refugees, and Migration shall be headed by the Assistant Secretary of State for Population, Refugees, and Migration.

SEC. 10104. OFFICE OF INTERNATIONAL DISABILITY RIGHTS.

(a) ESTABLISHMENT.—There should be established at the Department of State an Office of International Disability Rights (referred to in this section as the “Office”).

(b) DUTIES.—The Office should—

(1) ensure that all United States foreign operations are accessible to, and inclusive of, persons with disabilities;

(2) promote the human rights and full participation in international development activities of all persons with disabilities;

(3) promote disability inclusive practices and the training of Department of State staff on soliciting quality programs that are fully inclusive of people with disabilities;

(4) represent the United States in diplomatic and multilateral fora on matters relevant to persons with disabilities, and work to raise the profile of disability across a broader range of organizations contributing to international development efforts;

(5) conduct regular consultation with civil society organizations working to advance international disability rights and empower persons with disabilities internationally;

(6) consult with other relevant offices at the Department that are responsible for drafting annual reports documenting programmed assistance on human rights, including, where applicable, references to instances of discrimination, prejudice, or abuses of persons with disabilities;

(7) utilize the Bureau of Human Resources or its equivalent within the Department regarding the hiring and recruitment and overseas practices of civil service employees and Foreign Service officers with disabilities and their family members with chronic medical conditions or disabilities; and

(8) carry out other relevant duties as the Secretary may assign.

(c) SUPERVISION.—The Office may be headed by—

(1) a senior advisor to the appropriate Assistant Secretary of State; or

(2) an officer exercising significant authority who reports to the President or Secretary of State, appointed by and with the advice and consent of the Senate.

(d) CONSULTATION.—The Secretary of State should direct Ambassadors at Large, Representatives, Special Envoys, and coordinators working on human rights to consult with the Office to promote the human rights and full participation in international development activities of all persons with disabilities.

SEC. 10105. SPECIAL APPOINTMENT AUTHORITY.

Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a), as amended by section 6103 of this Act, is further amended by inserting after subsection (h) the following new subsection:

‘‘(11) SPECIAL APPOINTMENTS.—

‘‘(A) POSITIONS EXERCISING SIGNIFICANT AUTHORITY.—The President may, by and with the advice and consent of the Senate, appoint an individual as a Special Envoy, Special Representative, Special Coordinator, Special Negotiator, Envoy, Representative, Coordinator, Special Advisor, or other position performing a similar function, regardless of title, in the Department of State exercising significant authority pursuant to the laws of the United States.

SEC. 10106. REPEAL OF AUTHORITY FOR SPECIAL REPRESENTATIVE AND POLICY COORDINATOR FOR BURMA.

Section 7 of the Tom Lantos Block Burma Act (22 U.S.C. 7607, as amended), is hereby repealed.

SEC. 10107. ANTIPIRACY INFORMATION SHARING.

The Secretary is authorized to provide for the participation of the United States in the International Maritime Security Centre located in Singapore, as established by the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP).

SEC. 10108. IMPORTANCE OF FOREIGN AFFAIRS TRAINING TO NATIONAL SECURITY.

It is the sense of Congress that—

(1) the Department is a crucial national security agency, whose employees, both Foreign and Civil Service, require the best possible training at every stage of their careers to prepare them to promote and defend United States national interests and the health and safety of United States citizens abroad;

(2) the Secretary should explore establishing a “training float” requiring that a certain percentage of the Foreign Service shall be in long-term training at any given time;

(3) the Department’s Foreign Service Institute should seek to substantially increase its educational and training of Department personnel, including developing new and innovative educational and training courses, methods, programs, and opportunities; and

(4) consistent with existing Department gift acceptance authority and other applicable laws, the Department and Foreign Service Institute may accept funds and other resources from foundations, not-for-profit corporations, and other appropriate sources to help the Department and the Institute achieve the goals set out in section 10104.

SEC. 10109. CLASSIFICATION AND ASSIGNMENT OF FOREIGN SERVICE OFFICERS.

The Foreign Service Act of 1960 is amended—

(1) in section 501 (22 U.S.C. 2311), by inserting “If a position designated under this section is unfilled for more than 365 calendar days, such position may be filled, as appropriate, on a temporary basis, in accordance with this Act.”; and

(2) in paragraph (2) of section 502a (22 U.S.C. 2382a), by inserting “, or domestically, in a position working on issues relating to a particular region or geographic area,” after “geographic area.”.
SEC. 10111. EXTENSION OF PERIOD FOR REIMBURSEMENT OF FISHERMEN FOR COSTS INCURRED FROM THE ILLEGAL SEIZURE AND DETENTION OF U.S.-FLAG FISHING VESSELS BY FOREIGN GOVERNMENTS.

(a) In General.—Subsection (e) of section 7 of the Fishermen’s Protective Act of 1967 (22 U.S.C. 2593) is amended to read as follows: 

"((c) REIMBURSEMENT OF FISHERMEN.—The President shall, with the advice and consent of the Senate, make such appropriation to defray the proper expenses incurred by the United States as shall be necessary, and defray the proper expenses incurred by the United States to defend and protect U.S.-flag vessels from arrest and detention based on the alleged wrongdoing of any foreign government, to the extent that such vessels are not condemned and are returned to the United States. Expenses under this subsection shall be charged to the budget of the United States Agency for International Development or the budget of any other department or agency of the United States. The President may make payment to any fishermen in such manner and under such conditions as the President shall determine."

(b) RETROACTIVE APPLICABILITY.—

1. EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and apply as if the date specified in subsection (e) of section 7 of the Fishermen’s Protective Act of 1967 on the date before the date of the enactment of this Act, were the day after such date of enactment.

2. AGREEMENTS AND PAYMENTS.—The Secretary shall—

(A) enter into agreements pursuant to section 7 of the Fishermen’s Protective Act of 1967 for any claims to which such section would otherwise apply but for the date specified in subsection (a) of such section, as in effect on the day before the date of the enactment of this Act; and

(B) make payments in accordance with agreements entered pursuant to such section if any such payments have not been made as a result of the expiration of the date specified in such section, as in effect on the day before the date of the enactment of this Act.

SEC. 10112. ART IN EMBASSIES.

(a) In General.—No funds are authorized to be appropriated for the purchase of any piece of art for the purposes of installation or display in any embassy, consulate, or other foreign mission of the United States if the purchase price of such piece of art is in excess of $50,000, unless such purchase is subject to prior consultation with, and the regular procedures of, the appropriate congressional committees.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees and the Committees on Appropriations of the Senate and the House of Representatives a report on the costs of the Art in Embassies Program for each of fiscal years 2012, 2013, and 2014.

(c) SUNSET.—This section shall terminate on the date that is 2 years after the date of the enactment of this Act.

SEC. 10113. AMENDMENT OR REPEAL OF REPORTING REQUIREMENTS.

(a) BURMA.

(1) In General.—Section 570 of Public Law 104–208 is amended—

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

"(c) MULTILATERAL STRATEGY.—The President shall develop, in coordination with likeminded countries, a comprehensive, multilateral strategy to—

(1) assist Burma in addressing corrosive malign influence of the People’s Republic of China; and

(2) support a return to democratic governance, and support constitutional, economic, and security sector reforms in Burma designed to—

(A) advance democratic development and improve human rights practices and the quality of life; and

(B) promote genuine national reconciliation.

";

and

(B) in subsection (d)—

(i) in the matter preceding paragraph (1), by striking "six months" and inserting "year";

(ii) by redesignating paragraph (3) as paragraph (4); and

(iii) by inserting after paragraph (2) the following new paragraphs:

"(3) improvements in human rights practices;

(4) progress toward broad-based and inclusive economic growth; and

(5) progress toward genuine national reconciliation.

";

and

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act and apply with respect to the first report required under subsection (d) of section 570 of Public Law 104–208 that is required after the date of the enactment of this Act.

(b) REPEALS.—The provisions of law are hereby repealed:

(1) Subsection (b) of section 804 of Public Law 104–208.

(2) Section 6 of Public Law 104–45.

(3) Subsection (c) of section 702 of Public Law 96–465.

(4) Section 404 of the Arms Control and Disarmament Act (22 U.S.C. 2358b).


(7) Subsection (c) of section 702 of Public Law 104–208.

(c) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report that includes each of the following:

(1) A list of all reports described in subsection (d) required to be submitted by their respective agencies.

(2) For each such report, a citation to the provision of law under which the report is required to be submitted.

(3) The reporting frequency of each such report.

(4) The estimated cost of each report, to include personnel time costs.

(d) COVERED REPORTS.—A report described in the matter preceding paragraph (1) is not required to be submitted to Congress by the Department of State or the United States Agency for International Development, or by any other officer, official, component, or element of each entity.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the House of Representatives and the Committees on Appropriations of the Senate and the House of Representatives.

TITLE II—EMBASSY CONSTRUCTION

SEC. 10201. EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE.

For "Embassy Security, Construction, and Maintenance", there is authorized to be appropriated $1,975,449,000.

SEC. 10202. STANDARD DESIGN IN CAPITAL CONSTRUCTION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Department’s Bureau of Overseas Buildings Operations (OBO) or successor office should give appropriate consideration to standardization in construction, in which each new United States embassy and consulate starts with a standard design and keeps customization to a minimum.

(b) CONSULTATION.—OBO shall carry out any new United States embassy compound or new consulate compound project that utilizes a non-standard design, including those projects that use a design or pre-design phase as of the date of the enactment of this Act, only in consultation with the appropriate congressional committees. The Secretary shall provide the appropriate congressional committees, for each such project, the following documentation:

(1) A comparison of the estimated full lifecycle costs of the project to the estimated full lifecycle costs of such project if it were to use a standard design.

(2) A comparison of the estimated completion date of such project to the estimated completion date of such project if it were to use a standard design.

(3) A comprehensive report regarding all ongoing overseas capital construction projects and major embassy security upgrade projects.

(c) JUSTIFICATION.—The justification for the Secretary’s selection of a non-standard design over a standard design for such project.

(d) TIMELINESS.—A written explanation if any of the documentation necessary to support the comparisons and justification, as the case may be, described in paragraphs (1) through (4) cannot be provided.

(e) CONSULTATION REQUIREMENT.—The consultation requirement under subsection (b) shall expire on the date that is 4 years after the date of enactment of this Act.

SEC. 10203. CAPITAL CONSTRUCTION TRANSPARENCY.

Section 118 of the Department of State Authorizations and Appropriations Act, Fiscal Year 2017 (22 U.S.C. 2331 note) is amended—

(1) in the section heading, by striking "ANNUAL REPORT ON EMBASSY CONSTRUCTION COSTS" and inserting "ANNUAL REPORT ON OVERSEAS CAPITAL CONSTRUCTION PROJECTS";

and

(2) by striking subsections (a) and (b) and inserting the following new subsections:

"(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a comprehensive report regarding all ongoing overseas capital construction projects and major embassy security upgrade projects.

(b) REPORT.—The Secretary shall submit the report described in subsection (a) to appropriate congressional committees.
capital construction project and major embassy security upgrade project:

(1) The initial cost estimate as specified in the proposed allocation of capital construction and maintenance funds required by the Committees on Appropriations for Acts making appropriations for the Department of State, foreign operations, and related programs.

(2) The current cost estimate.

(3) The value of each request for equitable adjustment received by the Department to date.

(4) The value of each certified claim received by the Department to date.

(5) The value of any usage of the project’s contingency fund, as the case may be.

(6) An enumerated list of each request for adjustment and certified claim that remains outstanding or unresolved.

(7) An enumerated list of each request for equitable adjustment and certified claim that has been fully adjudicated or that the Department has settled, and the final dollar amount of each adjudication or settlement.

(8) The date of estimated completion specified in the proposed allocation of capital construction and maintenance funds required by the Committees on Appropriations not later than 45 days after the date of the enactment of this Act.

SEC. 10209. CONTRACTOR PERFORMANCE INFORMATION.

(a) DEADLINE FOR COMPLETION.—The Secretary shall develop a prioritization system for clearing the current backlog of construction and maintenance funds required by the Department’s project management performance.

(b) PRIORITIZATION SYSTEM.—The Secretary shall develop a prioritization system for clearing the current backlog of construction and maintenance funds required by the Department’s project management performance.

(c) BASIS FOR ESTIMATES.—The Department shall prioritize the evaluations for contractors engaged in construction of new embassy or new consulate compounds by April 1, 2022.

(d) CONGRESSIONAL NOTIFICATION.—Any notifications required under section (a) shall be submitted in unclassified form but may include a classified annex.

(e) SMALL DIPLOMATIC POST DEFINED.—In this section, the term “small diplomatic post” means any United States embassy or consulate that has employed five or fewer United States Government employees or contractors on average over the 36 months prior to the date of the enactment of this Act.

SEC. 10207. VALUE ENGINEERING AND RISK ASSESSMENT.

(a) FINDINGS.—Congress makes the following findings:

(1) Federal departments and agencies are required to use value engineering (VE) as a management tool, where appropriate, to reduce program and acquisition costs pursuant to OMB Circular A-110, Value Engineering, dated December 11, 2013.

(2) OBO has a Policy Directive and Standard Operation Procedure, dated May 24, 2017, on conducting risk management studies on all international construction projects.

(b) NOTIFICATION REQUIREMENTS.—

(1) SUBMISSION TO AUTHORIZING COMMITTEES.—Any operating plan that includes the allocation of capital construction and maintenance funds shall be submitted to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(2) REQUIREMENT TO CONFIRM COMPLETION OF VALUE ENGINEERING AND RISK ASSESSMENT STUDIES.—The notifications required under paragraph (1) shall include confirmation that the Department has completed the requisite VE and risk management process described in subsection (a), or applicable successor process.

(c) REPORTING AND BRIEFING REQUIREMENTS.—The Secretary shall provide to the appropriate congressional committees on request—

(1) a description of each risk management study referred to in subsection (a); and a table detailing which recommendations related to each such study were accepted and which were rejected; and
SEC. 10302. STUDY ON FOREIGN SERVICE ALLOWANCES.

(a) Report Required.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report detailing an empirical study on the effect of overseas allowances on the foreign assignment of Foreign Service officers (FSOs), to be conducted by a federally-funded research and development center carrying out the analysis required under subsection (a)(1), and not later than 60 days after the date of enactment of this Act, the Secretary shall certify to the appropriate congressional committees that the requirement in subsection (a) has been met.

(b) Certification Requirement.—Not later than 180 days after the date of enactment of this Act, the Secretary shall certify to the appropriate congressional committees that the requirement in subsection (a) has been met.

(c) Availability of Information.—(1) In General.—The Secretary shall provide all necessary and relevant information to the Department from eligible bidders on their bid decision-making.

(2) Federal Funded Research and Development Center.—Not later than 30 days after the date of the enactment of this Act, the Department shall provide the Secretary with a report that describes the Department's strategy and plan for conducting the analysis required under subsection (a)(1), including which allowances are shared or based on federal departments and agencies.

SEC. 10301. DEFENSE BASE ACT INSURANCE WAIVERS.

(a) Application for Waivers.—Not later than 30 days after the date of the enactment of this Act, the Secretary shall apply to the Defense Base Act Insurance Fund for an insurance waiver under Section 402(c)(2)(E) of the Omnibus Diplomacy and Security Act of 1998 (22 U.S.C. 4852(c)(2)(E)) is amended by striking "(2) the requirement that one entity works under a single contract with the Department to provide design and construction services;" and inserting "(2) the Secretary shall certify to the appropriate congressional committees that the requirement in subsection (a) has been met;".

(c) Availability of Information.—(1) In General.—The statute shall provide all necessary and relevant information to the Department from eligible bidders on their bid decision-making.

(2) Certification Requirement.—Not later than 45 days after the date of the enactment of this Act, the Secretary shall provide all necessary and relevant information to the Department from eligible bidders on their bid decision-making.

SEC. 10301. TITLE III—PERSONNEL ISSUES

(a) Reporting Officer.—(1) In General.—The Secretary shall require that the chief executive officer of the Department be a registered attorney and maintain active membership in a bar association.

(2) Certification Requirement.—Not later than 45 days after the date of the enactment of this Act, the Secretary shall provide all necessary and relevant information to the Department from eligible bidders on their bid decision-making.

(b) Certification Requirement.—Not later than 180 days after the date of the enactment of this Act, the Department shall provide the Secretary with a report that describes the Department's strategy and plan for conducting the analysis required under subsection (a)(1), including which allowances are shared or based on federal departments and agencies.

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(b) Certification Requirement.—Not later than 180 days after the date of enactment of this Act, the Secretary shall certify to the appropriate congressional committees that the requirement in subsection (a) has been met.

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(b) Certification Requirement.—Not later than 180 days after the date of enactment of this Act, the Secretary shall certify to the appropriate congressional committees that the requirement in subsection (a) has been met.

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(b) Certification Requirement.—Not later than 180 days after the date of enactment of this Act, the Department shall provide the Secretary with a report that describes the Department's strategy and plan for conducting the analysis required under subsection (a)(1), including which allowances are shared or based on federal departments and agencies.
SEC. 10302. Consulting services for the Department of State.

SEC. 10309. DIPLOMATIC PROGRAMS.

Section 302(a)(1) of the State, Foreign Operations, and Related Programs Appropriations Act, 2018 (as enacted and in effect), which states that "Foreign Service officer, appointed under section 302(a)(1), who has general responsibility for carrying out the functions of the Department of State on or after January 1, 2017," and inserting in section 302(a)(1) the following new subpart:

"(C) for one of the child’s parents to visit the child or children abroad if the child or children do not regularly reside with that parent and that parent is not receiving an education allowance or educational travel allowance for the child or children under section 902(d) of title 5, United States Code, and"

SEC. 10308. FOREIGN SERVICE AWARDS.

(a) In General.—Section 614 of the Foreign Service Act of 1980 (22 U.S.C. 4013) is amended, in the matter preceding clause (i), by—

(1) striking "promotion" and inserting "promotion, on or after January 1, 2017, and";

(2) striking "individual joining the Service on or after January 1, 2017," and inserting "Foreign Service officer, appointed under section 302(a)(1), who has general responsibility for carrying out the functions of the Service, and"

SEC. 10309. DIPLOMATIC PROGRAMS.

(a) In General.—Section 614 of the Foreign Service Act of 1980 (22 U.S.C. 4013) is amended—

(1) by amending the section heading to read as follows: "DEPARTMENT AWARDS"

(b) CONFORMING AMENDMENT.—The item relating to chapter 102 of the United States Code is amended, in the table of contents, in the matter preceding the subpart of titles of the Foreign Service Act of 1980 is amended to read as follows:

"Sec. 614. Department awards."

SEC. 10310. SENSE OF CONGRESS REGARDING VETERANS EMPLOYMENT AT THE DEPARTMENT OF STATE.

It is the sense of Congress that—

(1) the Department should continue to promote the employment of veterans, in accordance with section 301 of the Foreign Service Act of 1980 (22 U.S.C. 3941), as amended by section 10406 of this Act, including those veterans belonging to traditionally underrepresented groups; and

(2) veterans employed by the Department have made significant contributions to United States foreign policy in a variety of regional and global bureaus and diplomatic posts overseas; and

(3) the Department should continue to encourage veteran employment and facilitate their participation.

SEC. 10311. EMPLOYEE ASSIGNMENT RESTRICTIONS AND PRECLUSIONS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Department should expand the appeal process it makes available to employees related to assignment preclusions and restrictions.

(b) APPEAL OF ASSIGNMENT RESTRICTION OR PRECLUSION.—Subsection (a) of section 414 of the Department of State Authorities Act, as amended, is further amended by adding at the end the following new sentences: "Such right and process shall ensure that any employee subjected to an assignment restriction or preclusion shall have the same appeal rights as provided by the Department regarding denial or revocation of a security clearance. Any such appeal shall be resolved not later than 60 days after such appeal is filed.

(c) NOTICE AND CERTIFICATION.—Not later than 45 days after the enactment of this Act, the Secretary shall certify to the Committee on Foreign Relations of the Senate and the Committee on Appropriations of the House of Representatives regarding such revision, the Foreign Affairs Manual guidance regarding denial or revocation of a security clearance to employees that all review and appeal rights relating thereto shall also apply to any recommendation or decision to impose an assignment restriction or preclusion to an employee.

SEC. 10312. RECALL AND REEMPLOYMENT OF CAREER MEMBERS.

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

(1) career Department employees provide invaluable service to the United States as nonpartisan professionals who contribute to the success of development skills to the successful development and execution of United States foreign policy; and

(2) employment of skilled former members of the Foreign Service who have voluntarily separated from the foreign or civil service due to family reasons or to obtain professional skills outside government is of benefit to the Department.

(b) NOTICE OF EMPLOYMENT OPPORTUNITIES.—Title 5, United States Code, is amended by inserting after chapter 102 the following new chapter:

"CHAPTER 103—DEPARTMENT OF STATE"

"Sec. 10301. Notice of employment opportunities for Department of State and USAID positions.

"It is the sense of Congress that—

(1) the Department and the United States Agency for International Development and other relevant agencies are aware of such opportunities, the Department of State and the United States Agency for International Development shall publicly announce employment opportunities, including positions for which the relevant agency is accepting applications from individuals within the agency's workforce under merit promotion procedures, on publicly accessible sites, including www.usajobs.gov. If using merit promotion procedures, the notice shall expressly state the former employees eligible for reinstatement may apply.

(2) the table of chapters at the beginning of title 5, United States Code, is amended by inserting after the item relating to chapter 102 the following:

"103. Department of State ..........10301."
issued in December 2017, or any subsequent strategy issued not later than 18 months after the date of the enactment of this Act, which shall include the following:

(1) A description of comprehensive workforce data, including all shortages in bureaus described in GAO report GAO-19-220, for all current and planned employees of the Department.

(A) Foreign Service officer and Foreign Service specialist rank;

(B) civil service job skill code, grade level, and base of assignment;

(C) contracted employees, including the equivalent job skill code and bureau of assignment; and

(D) employees hired under schedule C of subpart C of part 213 of title 5, Code of Federal Regulations, including the equivalent grade and job skill code and bureau of assignment for fee basis employees.

(2) Recommendations on the number of Foreign Service officers disaggregated by service cone that should be posted at each United States diplomatic post and in the District of Columbia, with a detailed basis for such recommendations.

(f) Recommendations on the number of civil service officers that should be employed by the Department, with a detailed basis for such recommendations.

(h) In paragraph (a)(1), the dataset required under subsection (a)(1) shall be maintained and updated on a regular basis.

(c) Consultation.—The Secretary shall lead the development of the plan required under subsection (a) but may consult or partner with private sector entities with expertise in labor economics, management, or human resources, as well as organizations familiar with the demands and needs of the Department’s workforce.

(d) Report.—Not later than 120 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate committees of Congress a report detailing the causes of Foreign Service and civil service shortages, the effect of such shortages on national security objectives, and the Department’s plan to implement recommendations described in GAO-19-220.

SEC. 10314. CONSULTING SERVICES.

Chapter 103 of title 5, United States Code, as added by section 10312, is amended by adding at the end the following:

"§ 103092. Consulting services for the Department of State

"Any consulting service obtained by the Department through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts with respect to which expenditures are a matter of public record and available for public inspection, except if otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.".

SEC. 10315. INCENTIVES FOR CRITICAL POSTS.

Section 1115(d) of the Supplemental Appropriations Act, 2009 (Public Law 111-32) is amended by striking paragraphs (5) and (6) and inserting the following:

"(5) The location within the Foreign Affairs Manual or the Foreign Affairs Handbook where a change is made.

(6) The statutory basis for each such change.".

SEC. 10316. EXTENSION OF AUTHORITY FOR CERTAIN ACCOUNTABILITY REVIEW AUTHORITY.

Section 301(a)(3) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4831(a)(3)) is amended—

(1) in the heading, by striking "AFGHANISTAN AND" and inserting "AFGHANISTAN, YEMEN, SYRIA, and"; and

(2) in subparagraph (A)—

(A) in clause (i), by striking "Afghanistan or" and inserting "Afghanistan, Yemen, Syria, or"; and

(B) in clause (ii), by striking "beginning on October 1, 2009," and inserting "beginning on October 1, 2020, and ending on September 30, 2022".

SEC. 10317. FOREIGN SERVICE SUSPENSION WITHOUT PAY.

Subsection (c) of section 610 of the Foreign Service Act of 1980 (22 U.S.C. 4010) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking "suspend" and inserting "indefinitely suspend without duties";

(2) by redesigning paragraph (5) as paragraph (7);

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

"(5) Any member of the Service suspended from duties under this subsection may be suspended without pay after a final written decision is provided to such member under paragraph (2).

(6) If no final written decision under paragraph (2) has been provided within 1 calendar year of the date the suspension at issue was proposed, not later than 30 days thereafter the Secretary of State shall report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate in writing regarding the specific reasons for such delay; and

(4) in paragraph (7), as so redesignated—

(A) by striking "'(7) In this subsection;'";

(B) in subparagraph (A), by striking "'(A) The term'" and inserting "'(A) The term "suspension"';

"(7) In this subsection, the term;"

(C) by striking subparagraph (B) (relating to the definition of "suspension"); and

(D) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and

moving such subparagraphs 2 ems to the left.

SEC. 10318. FOREIGN AFFAIRS MANUAL AND FOREIGN AFFAIRS HANDBOOK CHANGES.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter for 5 years, the Secretary shall submit to the appropriate congressional committees a report detailing all changes made to the Foreign Affairs Manual or the Foreign Affairs Handbook.

(b) COVERED FIELDS.—The first report required under subsection (a) shall cover the 5-year period preceding the submission of such report. Each subsequent report shall cover the 180-day period preceding submission.

(c) CONTENTS.—Each report required under subsection (a) shall contain the following:

(1) The location within the Foreign Affairs Manual or the Foreign Affairs Handbook where a change is made.

(2) The statutory basis for each such change.

(3) A side-by-side comparison of the Foreign Affairs Manual or Foreign Affairs Handbook before and after such change.

(4) A summary of such changes displayed in spreadsheet form.

SEC. 10319. WAIVER AUTHORITY FOR INDIVIDUAL OCCUPATIONAL REQUIREMENTS OF CERTAIN POSITIONS.

The Secretary of State may waive any or all of the individual occupational requirements with respect to an employee or prospective employee of the Department of State for a civilian position categorized under the GS-0130 occupational series if the Secretary determines that the individual possesses significant scientific, technological, engineering, or mathematical expertise that is integral to performing the duties of the applicable position, based on demonstrated job performance and qualifying experience.

(3) The Secretary may not grant a waiver granted under this subsection, the Secretary shall set forth in a written document that is transmitted to the Director of the Office of Personnel for his review for the final decision of the Secretary to waive such requirements.

SEC. 10320. APPOINTMENT OF EMPLOYEES TO THE GLOBAL ENGAGEMENT CENTER.

The Secretary may appoint, for a 3-year period that may be extended for up to an additional 2 years, solely to carry out the functions of the Global Engagement Center, employees of the Department without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may fix the basic compensation of such employees without regard to chapter 51 and subchapter III of chapter 53 of such title.

SEC. 10321. EDUCATION ALLOWANCES DUE TO CORONAVIRUS.

(a) In General.—The authority under section 5924 of title 5, United States Code, may be exercised by the Secretary of State in the absence of education allowances to employees who are in the United States with assignment orders to a foreign area and for whom service abroad has been interrupted or delayed because of the coronavirus pandemic without regard to the foreign area limitations referenced therein.

(b) TERMINATION.—The authority under subsection shall expire on September 30, 2022.

SEC. 10322. COMPETITIVE STATUS FOR CERTAIN EMPLOYEES HIRED BY INSPECTORS GENERAL TO SUPPORT THE LEAD IG MISSION.

Subparagraph (a) of section 8L(d)(5)(A) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking "a lead Inspector General for" and inserting "any of the Inspectors General specified in subsection (c) for oversight of".

SEC. 10323. REPORT RELATING TO FOREIGN SERVICE OFFICER TRAINING AND DEVELOPMENT.

(a) In General.—Not later than 270 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate committees of Congress a report certain fellowship or detail opportunities for Department of State Foreign Service personnel.

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

(1) The number of Senior Foreign Service Officer generalists who, as of the date of the enactment of this Act, have done a tour of at least one year in any of the agencies or congressional committees described in subsection (a).

(2) The total number of senior Foreign Service Officer generalists as of the date of the enactment of this Act.

(3) The average number of Senior Foreign Service Officer generalists inducted annually during the 10 years preceding the date of the enactment of this Act.

(4) The total number of Department advisors stationed in any of the agencies or congressional offices described in subsection (a), including the agencies or offices in which such advisors serve; and the total number of advisors from other United States Government agencies stationed in the Department of State (excluding diplomatic and consular offices, and the Office of the Director of National Intelligence), the home agency of the advisor, and the offices in which such advisors serve.

SEC. 10324. INTERNATIONAL FAIRS AND EXPOSITIONS.

There is authorized to be appropriated $20,000,000 for the Department of State for United States participation in international fairs and expositions abroad, including for construction and the operation of United States pavilions or other major exhibits.
TITLE IV—A DIVERSE WORKFORCE: RECRUITMENT, RETENTION, AND PRO-MOTION

SEC. 10401. DEFINITIONS.

In this title:  
(1) 'FLUCTUANT FLOW DATA.—The term 'applicant flow data' means data that tracks the rate of applications for job positions among demographic categories.  
(2) 'Multicultural.'—The term 'multicultural' means facts or statistics relating to the demographic categories specified in the Office of Management and Budget statistical entity list.


(4) 'WORKFORCE.—The term 'workforce' means—

(A) individuals serving in a position in the civil service (as defined in section 2101 of title 5, United States Code);

(B) individuals who are members of the Foreign Service (as defined in section 103 of the Foreign Service Act of 1980 (22 U.S.C. 3952));

(C) all individuals serving under a personal services contract;

(D) all individuals serving under a Foreign Service Limited appointment under section 309 of the Foreign Service Act of 1980; or

(E) individuals other than Locally Employed Staff working in the Department of State under any other authority.

SEC. 10402. EXIT INTERVIEWS FOR WORKFORCE.

(a) RETAINED MEMBERS.—The Director General of the Foreign Service and the Director of the Bureau of Human Resources or its equivalent shall conduct periodic interviews with a representative and diverse cross-section of the workforce of the Department—

(1) to understand the reasons of individuals in such workforce for remaining in a position in the Department; and

(2) to receive feedback on workplace policies, professional development opportunities, and other issues affecting the decision of individuals in the workforce to remain in the Department.

(b) DEPARTING MEMBERS.—The Director General of the Foreign Service and the Director of the Bureau of Human Resources or its equivalent shall conduct interviews with each individual in the workforce of the Department who separates from service with the Department to better understand the reasons of such individual for leaving such service.

(c) USE OF ANALYSIS FROM INTERVIEWS.—The Director General of the Foreign Service and the Director of the Bureau of Human Resources or its equivalent shall analyze demographic data and other information obtained through interviews under subsections (a) and (b) to determine to what extent, if any, the diversity of those participating in such interviews impacts the results.

(d) TRACKING DATA.—The Department shall—

(1) track demographic data relating to participants in professional development programs and the rate of placement into senior positions for participants in such programs;

(2) annually evaluate such data—

(A) to identify ways to improve outreach and recruitment for such programs consistent with merit system principles; and

(B) to understand the extent to which participation in any professional development programs offered by the Department differs among the demographic categories of the workforce; and

(3) actively encourage participation from a range of demographic categories, especially from categories with consistently low participation, in such professional development programs.

SEC. 10403. RECRUITMENT AND RETENTION.

(a) IN GENERAL.—The Secretary shall—

(1) continue to seek a diverse and talented pool of applicants; and

(2) instruct the Director General of the Foreign Service and the Director of the Bureau of Human Resources of the Department to have a recruitment plan of action for the recruitment of people belonging to traditionally under-represented groups, which should include outreach at appropriate colleges, universities, affinity groups, and professional associations.

(b) SCOPE.—The diversity recruitment initiatives described in subsection (a) shall include—

(1) recruiting at women's colleges, historically Black colleges and universities, minority-serving institutions, and other institutions serving a significant percentage of minority students;

(2) placing job advertisements in newspapers, magazines, and job sites oriented to one or more of the few locations where these assessments are offered.

(45x106)motion of employees; and

(2) annually evaluate such data—

(1) track demographic data relating to participation, in such professional development programs, that focus on diversity recruitment and retention;

(2) instruct the Director General of the Foreign Service to participate in outreach events and to discuss issues relating to diversity and inclusion with the workforce on a regular basis, including with employee resource groups.

(b) EXTERNAL ADVISORY COMMITTEES AND BODIES.—For each external advisory committee or board to which individuals in senior positions in the Department appoint members, the Secretary is strongly encouraged by Congress to ensure such external advisory committee or board is developed, reviewed, and carried out by qualified teams that represent the diversity of the organization.

SEC. 10404. LEADERSHIP ENGAGEMENT AND ACCOUNTABILITY.

(a) EXPAND PROVISIONS OF PROFESSIONAL DEVELOPMENT AND CAREER ADVANCEMENT OPPORTUNITIES.—

(b) TRAINING FOR SENIOR POSITIONS.—

(a) IN GENERAL.—The Secretary shall offer, or sponsor members of the workforce to participate in, a Senior Executive Service candidate development program or other program that trains members on the skills required for appointment to senior positions in the Department.

(b) REQUIREMENTS.—In determining which members of the workforce are granted professional development or career advancement opportunities under subparagraph (A), the Secretary shall—

(1) ensure any program offered or sponsored by the Department under such subparagraph differs by status, or other demographic categories; and

(2) actively encourage participation from a range of demographic categories, especially from categories with consistently low participation.

SEC. 10405. PROFESSIONAL DEVELOPMENT OPPORTUNITIES AND TOOLS.

(a) EXPAND PROVISION OF PROFESSIONAL DEVELOPMENT AND CAREER ADVANCEMENT OPPORTUNITIES.—

(b) PRIVATE-PUBLIC EXCHANGES.—

(c) DETAIL ASSIGNMENTS TO RELEVANT POSITIONS.—

(i) private or international organizations;

(ii) State, local, and Tribal governments;

(iii) other branches of the Federal Government; or

(iv) professional schools of international affairs.

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SEC. 10406. EXAMINATION AND ORAL ASSESSMENT FOR THE FOREIGN SERVICE.

(a) SENSE OF CONGRESS.—The sense of Congress that the Department should offer both the Foreign Service written examination and oral assessment in more locations throughout the United States. Doing so would ease the financial burden on potential candidates who do not currently reside in a location from which they would travel to one of the few locations where these assessments are offered.
(b) FOREIGN SERVICE EXAMINATIONS.—Section 301(b) of the Foreign Service Act of 1980 (22 U.S.C. 3941) is amended—

(1) by striking "The Secretary" and inserting "the Board of Examiners for the Foreign Service annually offers the oral assessment examinations described in paragraph (1) in cities, chosen on a random basis, located in at least five cities in three different time zones across the United States."); and

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

"(2) The Secretary shall ensure that the Board of Examiners for the Foreign Service annually offers the oral assessment examinations described in paragraph (1) in cities, chosen on a random basis, located in at least five cities in three different time zones across the United States."."

SEC. 10407. PAYNE FELLOWSHIP AUTHORIZATION.

(a) In GENERAL.—Undergraduate and graduate components of the Donald M. Payne International Development Fellowship Program may conduct outreach to attract outstanding students with an interest in pursuing a Foreign Service career who represent diverse ethnic and socioeconomic backgrounds.

(b) REVIEW OF PAST PROGRAMS.—The Secretary shall review past programs designed to increase minority representation in international affairs positions.

SEC. 10408. VOLUNTARY PARTICIPATION.

(a) In GENERAL.—Nothing in this title should be construed so as to compel any employee to participate in the collection of the data or divulge any personal information. Department employees shall be informed that participation in the data collection contemplated by this title is voluntary.

(b) PRIVACY PROTECTION.—Any data collected under this title shall be subject to the relevant privacy protection statutes and regulations applicable to Federal employees.

TITLE V—INFORMATION SECURITY

SEC. 10501. DEFINITIONS.

In this title:

(1) INTELLIGENCE COMMUNITY.—The term "intelligence community" has the meaning given such term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

(2) RELEVANT CONGRESSIONAL COMMITTEES.—The term "relevant congressional committees" means—

(A) the appropriate congressional committees;

(B) the Select Committee on Intelligence of the Senate; and

(C) the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 10502. LIST OF CERTAIN TELECOMMUNICATIONS PROVIDERS.

(a) LIST OF COVERED CONTRACTORS.—Not later than 30 days after the date of the enactment of this Act, the Secretary, in consultation with the Director of National Intelligence and other appropriate Federal agencies as determined jointly by the Secretary and the Director of National Intelligence, shall develop or maintain, as the case may be, and update as frequently as the Secretary determines appropriate, a list of covered contractors with respect to which the Department should seek to avoid entering into contracts. Not later than 30 days after the initial development of the list under this subsection, any update thereto, and annually thereafter for 5 years after such date, the Secretary shall submit to the appropriate congressional committees a copy of such list.

(b) COVERED CONTRACTOR DEFINED.—In this section, the term "covered contractor" means a provider of telecommunications, telecommunications equipment, or information technology equipment, including hardware, software, or services, that has knowingly assisted or facilitated a cyber attack or conducted surveillance, including passive or active monitoring, and activities carried out against—

(1) the United States by, or on behalf of, any government, or persons associated with such government, listed as a cyber threat actor in the intelligence community’s 2017 assessment of worldwide threats to United States national security or any subsequent worldwide assessment of the intelligence community; or

(2) individuals, including activists, journalists, opposition politicians, or other individuals for the purpose of suppressing dissent or intimidating critics, on behalf of a country included in the annual country reports on human rights practices of the Department for purposes of suppressing dissent, including arbitrary arrest or detention, torture, extrajudicial or politically motivated killing, or other gross violations of human rights.

SEC. 10503. FOREIGN RELATIONS OF THE UNITED STATES (FRUS) SERIES AND DECLASSIFICATION.

The State Department Basic Authorities Act of 1956 is amended—

(1) in section 402(a)(2) (22 U.S.C. 4352(a)(2)), by striking "(2)" and inserting "(2)"; and

(2) in section 404 (22 U.S.C. 4354)—

(A) in subsection (a)(1), by striking "and" and inserting "and --"; and

(B) in subsection (c)(1)(C), by striking "and" and inserting "and -".

TITLE VI—PUBLIC DIPLOMACY

SEC. 10601. SHORT TITLE.

This title may be cited as the "Public Diplomacy Modernization Act of 2021".

SEC. 10602. IMPROVEMENT OF RESEARCH AND EVALUATION INFORMATION ACROSS ALL PUBLIC DIPLOMACY AND CULTURAL EXCHANGE PROGRAMS.

(a) RESEARCH AND EVALUATION ACTIVITIES.—The Secretary, acting through the Director of Research and Evaluation appointed pursuant to subsection (b), shall—

(1) conduct research and evaluation of public diplomacy programs and activities of the Department, including through the routine use of audience research, digital analytics, and expert evaluations, to plan and execute such programs and activities; and

(2) make available to Congress the findings of the research and evaluations conducted under paragraph (1).

(b) DIRECTOR OF RESEARCH AND EVALUATION.—

(1) APPOINTMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall appoint a Director of Research and Evaluation (referred to in this title as the "Director") in the Office of Policy, Planning, and Resources for Public Diplomacy and Cultural Exchange Programs. The Director shall—

(A) coordinate and oversee the research and evaluation of public diplomacy programs and activities of the Department pursuant to subsection (b), support strategic planning and resource allocation across all public diplomacy bureaus and offices of the Department;

(B) routinely organize and oversee audience research, digital analytics, and impact evaluations across all public diplomacy bureaus and offices of the Department;

(C) support United States diplomatic posts’ public affairs sections;

(D) share appropriate public diplomacy research and evaluation information within the Department and with appropriate Federal departments and agencies;

(E) regularly design and coordinate standardized research questions, methodologies, and procedures to ensure that public diplomacy programs and activities across all public diplomacy bureaus and offices are designed to meet appropriate foreign policy objectives; and

(F) report biannually to the United States Advisory Commission on Public Diplomacy, through the Subcommittee on Research and Evaluation established pursuant to subsection (f), regarding the research and evaluation of all public diplomacy bureaus and offices.

(2) GUIDANCE AND TRAINING.—Not later than 1 year after the appointment of the Director pursuant to paragraph (1), the Director shall develop guidance and training, including curriculum for use by the Foreign Service Institute, for all public diplomacy officers of the Department regarding the reading and interpretation of public diplomacy program activity evaluation findings to ensure that such findings and related lessons learned are implemented in the planning and evaluation of all public diplomacy programs and activities of the Department.

(c) PRIORITIZING RESEARCH AND EVALUATION.

(1) IN GENERAL.—The head of the Office of Policy, Planning, and Resources for Public Diplomacy and Public Affairs of the Department shall ensure that research and evaluation of public diplomacy and activities of the Department, as coordinated and overseen by the Director pursuant to subsection (b), supports strategic planning and resource allocation across all public diplomacy bureaus and offices of the Department.

(2) ALLOCATION OF RESOURCES.—Amounts allocated for the purpose of research and evaluation of public diplomacy programs and activities of the Department pursuant to subsection (b) shall be made available to be disbursed at the direction of the Director of Research and Evaluation among the research and evaluation staff of the Department, as coordinated and overseen by the Director pursuant to subsection (b), to support strategic planning and resource allocation across all public diplomacy bureaus and offices of the Department.

(3) SENSE OF CONGRESS.—It is the sense of Congress that the Department should gradually increase its allocation of funds made available under the headings "Educational and Cultural Exchange Programs" and "Diplomatic Programs" for research and evaluation of public diplomacy programs and activities of the Department pursuant to subsection (b) to a percentage of program funds that is commensurate with Federal Government best practices.

(d) LIMITED EXEMPTION RELATING TO THE PAPERWORK REDUCTION ACT.—Chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act") shall not apply to the collection of information directed at any individuals conducted by, or on behalf of, the Department for the purpose of audience research, monitoring, and evaluations, and in connection with the Department’s activities conducted pursuant to any of the following:


(e) LIMITED EXEMPTION RELATING TO THE PRIVACY ACT.—

(1) IN GENERAL.—The Department shall maintain, collect, use, and disseminate records that are defined section 552(a)(4) of title 5, United States Code) for audience research, digital analytics, and impact evaluation of communications related to public diplomacy efforts intended for foreign audiences.

(2) CONDITIONS.—Audience research, digital analytics, and impact evaluations under paragraph (1) shall be—

(A) reasonably tailored to meet the purposes of this subsection; and

(B) carried out with due regard for privacy and civil liberties guidance and oversight.

(f) UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.—

(1) SUBCOMMITTEE FOR RESEARCH AND EVALUATION.—The United States Advisory Commission on Public Diplomacy shall establish a Subcommittee on Research and Evaluation to monitor and advise regarding audience research, digital analytics, and impact evaluations carried out by the Department and the United States Agency for Global Media.

(2) ANNUAL REPORT.—The Subcommittee on Research and Evaluation established pursuant to paragraph (1) shall submit to the appropriate congressional committees an annual report describing all actions taken by the Subcommittee pursuant to paragraph (1) and any findings made as a result of such actions.

SEC. 10604. PERMANENT REAUTHORIZATION OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.

Section 1334 of the Foreign Affairs Reform and Restructuring Act of 1996 (22 U.S.C. 6553) is amended—

(1) in the section heading, by striking “SUNSET” and inserting “CONTINUATION”; and

(2) by striking “until October 1, 2022”.

SEC. 10605. STREAMLINING OF SUPPORT FUNCTIONS.

(a) WORKING GROUP ESTABLISHED.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall establish a working group to explore the possibilities and cost-benefit analysis of transitioning to a shared services model such as—

(1) the use of human resources, travel, purchasing, budgetary planning, and all other executive support functions for all bureaus of the Department that report to the Under Secretary for Public Diplomacy of the Department.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report containing recommendations for any modifications to the following:

(1) AUDIENCE RESEARCH.—The term “audience research” means research conducted at the outset of a public diplomacy program or campaign that can be attributed to such program or campaign.

(2) DIGITAL ANALYTICS.—The term “digital analytics” means the analysis of qualitative and quantitative data and calculated in digital format, to indicate the outputs and outcomes of a public diplomacy program or campaign.

(3) IMPACT EVALUATION.—The term “impact evaluation” means an assessment of the changes in the audience targeted by a public diplomacy program or campaign that can be attributed to such program or campaign.

(4) PUBLIC DIPLOMACY BUREAUS AND OFFICES.—The term “public diplomacy bureaus and offices” means, with respect to the Department, the—

(A) The Bureau of Educational and Cultural Affairs.

(B) The Bureau of Global Public Affairs.

(C) The Office of Policy, Planning, and Resources for Public Diplomacy and Public Affairs.

(D) The Global Engagement Center.

(E) The public diplomacy functions within the regional and functional bureaus.

TITLE VII—COMBATING PUBLIC CORRUPTION

SEC. 10701. SENSE OF CONGRESS.

It is in the foreign policy interest of the United States to help foreign countries promote good governance and combat public corruption.

SEC. 10702. DEFINITIONS.

In this title:

(1) CORRUPT ACTOR.—The term “corrupt actor” means—

(A) any foreign person or entity that is a government official or government entity responsible for, or complicit in, an act of corruption; and

(B) any company, in which a person or entity described in subparagraph (A) has a significant stake, which is responsible for, or complicit in, an act of corruption.

(2) CORRUPTION.—The term “corruption” means the unlawful exercise of entrusted public power for private gain, including by bribery, nepotism, fraud, and embezzlement.

(3) SIGNIFICANT CORRUPTION.—The term “significant corruption” means corruption committed at a high level of government that has some or all of the following characteristics:

(A) Illegitimately distorts major decision-making, such as policy or resource determinations, or other fundamental functions of governance.

(B) Involves economically or socially large-scale government activities.

SEC. 10703. PUBLICATION OF TIERED RANKING LIST.

(a) IN GENERAL.—The Secretary of State shall annually publish, on a publicly accessible website, a tiered ranking of all foreign countries.

(b) TIER 1 COUNTRIES.—A country shall be ranked as a tier 1 country in the ranking published under subsection (a) if the government of such country is complying with the minimum standards set forth in section 10704.

(c) TIER 2 COUNTRIES.—A country shall be ranked as a tier 2 country in the ranking published under subsection (a) if the government of such country is making efforts to comply with the minimum standards set forth in section 10704, but is not achieving the requisite level of compliance to be ranked as a tier 1 country.

(d) TIER 3 COUNTRIES.—A country shall be ranked as a tier 3 country in the ranking published under subsection (a) if the government of such country is not making efforts to comply with the minimum standards set forth in section 10704.

SEC. 10704. MINIMUM STANDARDS FOR THE ELIMINATION OF CORRUPTION AND ASSESSMENT OF EFFORTS TO COMBAT CORRUPTION.

(a) IN GENERAL.—The government of a country is complying with the minimum standards for the elimination of corruption if the government—

(1) has enacted and implemented laws and established government structures, policies, and practices that prohibit corruption, including significant corruption;

(2) enforces the laws described in paragraph (1) by the sentencing of any person who is found, through a fair judicial process, to have violated such laws;

(3) prescribes punishment for significant corruption that is commensurate with the punishment prescribed for serious crimes; and

(4) is making serious and sustained efforts to combat corruption, including through prevention.

(b) FACTORS FOR ASSESSING GOVERNMENT EFFORTS TO COMBAT CORRUPTION.—In determining whether a government is making serious and sustained efforts to address corruption, the Secretary of State shall consider, to the extent relevant or appropriate, factors such as—

(1) whether the government of the country has criminalized corruption, investigates and...
prosecutes acts of corruption, and convicts and sentences persons responsible for such acts over which it has jurisdiction, including, as appropriate, incarcerating individuals convicted in such cases;

(2) whether the government of the country vigorously investigates, prosecutes, convicts, and sentences public officials who participate in, facilitate corruption, including nationals of the country who are deployed in foreign military assignments, trade delegations abroad, or other similar missions, who engage in or facilitate significant corruption;

(3) whether the government of the country has adopted measures to prevent corruption, such as measures to inform and educate the public, including potential victims, about the causes and consequences of corruption;

(4) whether the government of the country has taken to prohibit government officials or entities from participating in, facilitating, or condoning corruption, including the investigation, prosecution, and conviction of such officials;

(5) the extent to which the country provides access, or, as appropriate, makes adequate funds available, to civil society organizations and other institutions to combat corruption, including reporting, investigating, and monitoring;

(6) whether an independent judiciary or judicial body in the country is responsible for, and effectively capable of, deciding corruption cases impartially, on the basis of facts and evidence and in accordance with the law, without any improper restrictions, influences, inducements, pressures, threats, or interferences (direct or indirect);

(7) whether the government of the country is assisting in international investigations of transnational corruption networks and in other efforts to combat significant corruption, including, as appropriate, cooperating with the governments of other countries to extradite corrupt persons;

(8) whether the government of the country recognizes the rights of victims of corruption, ensures their access to justice, and takes steps to prevent victims from being further victimized or persecuted by corrupt actors, government officials, or others;

(9) whether the government of the country protects victims of corruption or whistle-blowers from reprisal due to such persons having assisted in exposing corruption, and refrains from other discriminatory treatment of such persons;

(10) whether the government of the country is willing and able to recover and, as appropriate, return the proceeds of corruption;

(11) whether the government of the country is taking steps to implement financial transparency measures in line with the Financial Action Task Force recommendations, including due diligence and beneficial ownership requirements and transparency requirements;

(12) whether the government of the country is facilitating corruption in other countries in connection with state-directed investments in projects for major infrastructure, or other initiatives; and

(13) such other information relating to corruption as the Secretary of State considers appropriate.

(c) ASSESSING GOVERNMENT EFFORTS TO COMBAT CORRUPTION IN RELATION TO RELIABLE INTERNATIONAL COMMITMENTS.—By determining whether a government is making serious and sustained efforts to address corruption, the Secretary of State shall consider the government of a country’s compliance with the following, as relevant:

(1) The Inter-American Convention against Corruption of the Organization of American States, as amended, entered into force for the United States on December 21, 1997


(5) Such other treaties, agreements, and international standards as the Secretary of State considers appropriate.

SEC. 10705. DESIGNATION OF EMBASSY ANTI-CORRUPTION POINTS OF CONTACT. (a) In General.—Each diplomatic post shall, at its discretion, designate an anti-corruption point of contact designated under subsection (a) shall be responsible for ensuring that appropriate anti-corruption training and information on the implementation of a whole-of-government approach among the relevant Federal departments and agencies undertaking efforts to—

(1) promote good governance in foreign countries;

(2) enhance the ability of such countries—

(A) to combat public corruption;

(B) to develop and implement corruption risk assessment tools and mitigation strategies; and

(3) to develop the whole-of-government approach among the relevant Federal departments and agencies undertaking efforts to—

(A) designate an anti-corruption point of contact designated under subsection (a); and

(b) RESPONSIBILITIES.—Each anti-corruption point of contact designated under subsection (a) shall be responsible for coordinating and promoting the implementation of the following:

(1) "No assistance":

(2) "the government of" before "any country"

(3) by inserting "the government of" before "such country" each place it appears;

(4) by striking "determines" and all that follows and inserting, after consultation with the Committee on Foreign Affairs of the House of Representatives and the Committee on Appropriations of the House of Representatives, the Committee on Appropriations of the Senate, that assistance for such country is in the national interest of the United States;

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

(2) No assistance shall be furnished under this Act, the Peace Corps Act, the Millennium Challenge Corporation Act, or any public or private law that provides assistance for such country which is in default during a period in excess of 1 calendar year in payment to the United States unless the President determines, following consultation with the congressional committees specified in paragraph (1), that assistance for such country is in the national interest of the United States.

SEC. 10802. SEAN AND DAVID GOLDMAN CHILD ABORTION PREVENTION AND RE- \nDUCTION PREVENTION AND RETREATMENT ACT OF 2014

Subsection (b) of section 101 of the Sean and David Goldman International Child Ab-
(C) Foreign Military Sales (FMS), Foreign Military Financing (FMF), and associated training programs.

SEC. 10804. REPORT ON EFFORTS OF THE CORONAVIRUS REPATRIATION TASK FORCE.

Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees, the Committee on Armed Services of the House of Representatives, and the Committee on Armed Services of the Senate a report evaluating the efforts of the Coronavirus Repatriation Task Force of the Department of State to repatriate United States citizens and permanent residents in response to the 2020 coronavirus outbreak. The report shall identify—

(1) the most significant impediments to repatriating such persons;
(2) the lessons learned from such repatriations; and
(3) any changes planned to future repatriation efforts of the Department of State to incorporate such lessons learned.

DIVISION H—REAUTHORIZATION OF NA TIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION ACT OF 1996

SEC. 11001. SHORT TITLE.

This division may be cited as the “Native American Housing Assistance and Self-Determination Reauthorization Act of 2021”.

SEC. 11002. 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 to carry out the project, the recipient reasonably expects to commit to the project at the time of environmental review, the Indian tribe or the recipient may, in addition to the responsibilities for environmental review, decision making, and action under subsection (a), all of the responsibilities for environmental review, decision making, and action under this section in accordance with subsection (c) 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 relocations 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. 11003. AUTHORIZATION OF APPROPRIATIONS.


SEC. 11004. 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 educational assistance for low-income college students, to the extent feasible, self-sufficiency and other services.”.

SEC. 11005. 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. 4132(a)(2)) is amended by inserting “owned or operated by a recipient” after “and” and “and” after “after”.;

SEC. 11006. LEASE REQUIREMENTS AND TENANT SELECTION.

Section 206 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4141 et seq.) is amended by adding at the end the following:

“(B) REMEDIES AND SANCTIONS.—The remedies and sanctions in section 206 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4141 et seq.) shall apply to projects any part of which is funded in part by amounts authorized under this Act.

SEC. 11007. 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. 11008. 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), by striking “(C)” in subparagraph (C), by striking “and” at the end; and

(2) by adding at the end the following:

“(E) notwithstanding any other provision of this paragraph, in the case of housing that is made available to a current renter or family for conversion to a homebuyer or a lease-purchase unit, that the current renter or family may purchase through a contract of sale, lease-purchase agreement, or any other sales agreement, is made available for purchase only by the current renter family, if the current renter family was a low-income family at the time of their initial occupancy of such unit.”;

(2) in subsection (c)—

(A) by striking “the provisions” and inserting the following:

“(I) 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. 11009. LEASE REQUIREMENTS AND TENANT SELECTION.

Section 207 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4143) is amended by adding at the end the following:

“(B) NOTICE OF TERMINATION.—The notice period described in subsection (a)(3) shall apply to projects any part of which is funded in part by amounts authorized under this Act.”.

SEC. 11010. 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:

“(A) IHS SANITATION FACILITIES CONSTRUCTION.—

“Notwithstanding any other provision of law, the Director of the Indian Health Service may, in the discretion of the Director, utilize reimbursement of the recipient for a housing construction or renovation project under this title, may use funding from the Indian Health Service for the construction of sanitation facilities utilizing any project any part of which is funded in part by amounts authorized under this Act.”.

(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; 120 Stat. 4016) is amended by inserting after the item relating to section 210 the following:

“Sec. 211. IHS sanitation facilities construction.”

SEC. 11011. STATUTORILY 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. 4176(a)(4)) is amended—

(1) in subparagraph (A), by striking “may take an action described in paragraph (1)(C)” and inserting “and may immediately take an action described in paragraph (1)(C)”;

(2) by striking subparagraph (B) and inserting the following:

“(B) PROCEDURAL REQUIREMENTS.—

“(1) 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 the 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 is not conducted under clause (ii), the determination by the Director that such availability of payments shall no longer be effective.

SEC. 11012. 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 striking the following: “(c) PUBLIC AVAILABILITY.—The report described in subsection (a) shall be made publicly available, including to recipients.”.

SEC. 11013. 99-YEAR LEASEHOLD INTEREST IN TRIBAL 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”; and

(2) in subsection (a), by striking “50 years” and inserting “99 years”; and

(3) in subsection (c)(2), by striking “50 years” and inserting “99 years”.

SEC. 11014. REQUIREMENTS FOR BLOCK GRANTS FOR AFFORDABLE HOUSING ACTIVITIES.

Section 802(e) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4222(e)) is amended by—

(1) by striking “The Director” and inserting the following: “(I) IN GENERAL.—The Director”;

(2) by striking “at the end the following: “(2) SUBAWARDS.—Notwithstanding any other provision of law, including provisions of State law, the competitive procurement, the Director may make subawards to subrecipients, except for for-profit entities, using amounts provided under this title to carry out housing activities upon a determination by the Director that such subrecipients have adequate capacity to carry out activities in accordance with this Act.”.

SEC. 11015. 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 the period at the end and inserting “such sums as may be necessary for each of fiscal years 2022 through 2029.”.

SEC. 11016. 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 102 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, includ- ing any amount approved under section 102 of the Community Development Financial Institutions Fund established under section 102(a) of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4703(a)).

SEC. 11017. COMMUNITY-BASED DEVELOPMENT ORGANIZATIONS.

Section 105 of the Native American Housing Assistance and Self-Determination Act of 1974 (42 U.S.C. 5306) 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 section, 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. 11018. 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. 170l(a)(4)) is amended—

(1) in subparagraph (A), by striking “and” and inserting a comma; and

(2) by inserting at the end the following: “(b) IN GENERAL.—The loan”.

SEC. 11019. SECTION 184 INDIAN HOME LOAN GUARANTEE PROGRAM.

Section 184(b)(4) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1715z-4(a)(4)) is amended—

(1) in subparagraph (A), by striking “by” and inserting a comma; and

(2) 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. 11020. LOAN GUARANTEES FOR NATIVE HAWAIIAN HOUSING.

Section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z-12a) is amended—

(1) in subsection (c)(4)(B), by striking “2008 through 2012” and inserting “2022 through 2029”.

(2) in subsection (d)(5)(B), by striking “2006 through 2012” and inserting “2022 through 2029”.

SEC. 11021. DRUG ELIMINATION PROGRAM.

(a) DEFINITIONS.—In this section,“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).

(b) USE OF PROCEEDS.—Any entity certified under “drug-related crime” means the illegal manufacture, sale, distribution, use, or possession

‘(I) FRAUD OR MISREPRESENTATION.—If fraud or misrepresentation is involved in a direct guarantee process under this subparagraph, the Secretary shall require the origina- l guarantor and any other guarantors to indemnify the Secretary for the loss regardless of when an insurance claim is paid.

‘(C) REVIEW OF MORTGAGES.—In conducting a review under clause (i), the Secretary—

‘(I) shall compare the mortgagee with other mortgagees originating, underwriting, or servicing single family mortgage loans under this section;

‘(II) may compare the mortgagee with such other mortgagees based on underwriting quality, geographic area served, or any other commonly used factors the Secretary de- termines 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 mortgage letter; and

‘(IV) shall determine that the mort- gagee to originate, underwrite, or service loan guarantees for housing under this sec- tion, the Secretary may require that the mortgage loans originated, underwritten, or serviced by the mortgagee present an unac- ceptable risk to the Indian Housing Loan Guarantee Fund established under subsection (l).

‘(aa) based on a comparison of any of the factors set forth in this subparagraph; or

‘(ba) by a determination that the mort- gagee engaged in fraud or misrepresenta- tion.”.

‘(b) LOAN GUARANTEES FOR INDIAN HOUS- ING.—Section 184(b)(5) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z-1a(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 2022 through 2029.”;

(2) in subparagraph (D), by striking “2006 through 2012” and inserting “2022 through 2029”.

‘(c) INDEPENDENCE OF FUNDING.—The Indian Home Loan Guarantee Program Fund established under section 106(a)(4) of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4703(a)).”.

‘(d) IN GENERAL.—If the Secretary deter- mines that a mortgage guaranteed through a direct guarantee process under this subparagraph was originated in accordance with the requirements established by the Sec- retary, the Secretary may require the lender to indemnify the Secretary for the loss, irrespective of whether the violation caused the mort- gage default.”
(A) 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; and

(B) the extent of the drug-related or violent crime problem in and around the housing or projects proposed for assistance;
‘(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 Indian veterans.

‘(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 clause (I) 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 recipient 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 services 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 clause (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.

‘(II) EXCEPTION.—The Secretary may not waive or specify alternative requirements under clause (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 its success; and

‘(II) specify criteria that an eligible recipient must satisfy to receive a renewal grant under clause (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 subpart, 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 be affecting 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;

‘(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 formulas prescribed by the Secretary (as defined in section 1001.314 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 (as defined in section 1001.314 of title 24, Code of Federal Regulations (or any successor regulation)) within the Program.

‘(y) FUNDING CRITERIA.—The Secretary shall include in the initial report submitted under subclause (I) a description of—

‘(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.

‘(z) EXCEPTION.—The Secretary may not 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.

‘(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 (as defined in section 1001.314 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.

‘(1) MODIFICATION TO EFFECTIVE DATE OF THE HOUSING ASSISTANCE AND SELF-DETERMINATION ACT.—The Secretary, in coordination with the Secretary of Veterans Affairs, shall—

‘(A) in subsection (a), by striking ‘‘Effective’’ and inserting ‘‘Not later than’’; and

‘(B) in subparagraph (C), by striking ‘‘as of September 30, 2022’’ and inserting ‘‘at the time of such transfer’’.

‘(2) COMFORMING AMENDMENT.—Section 9016(b)(6)(vi) of title 10, United States Code, as amended by section 136(b), is further amended by striking ‘‘Effective as of’’ and inserting ‘‘Not later than’’.

‘(3) TECHNICAL CORRECTION.—Section 956(b)(1) of the National Defense Authorization Act for Fiscal Year 2020 (10 U.S.C. 9016 note) is amended by striking ‘‘section 1832(b)’’ and inserting ‘‘section 956(b)’’.

Mr. REED. I suggest the absence of a quorum.

THE ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. REED. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

THE ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. REED. Madam President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 10:59 a.m., recessed subject to the call of the Chair and reassembled at 11:25 a.m. when called to order by the Presiding Officer (Mr. HICKENLOOPER).

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2022—Continued

Mr. MARSHALL. Mr. President, this week’s focus has been on the NDAA, a gut punch to our service members and one of the weakest displays we have seen during the Senate Democrats’ time in the majority.

Let’s not forget there are 25 Senate Members serving on the Senate Armed Services Committee under the skillful leadership of Senators REED and INHOFF. They cleared their version of the NDAA in July of this year—July of this year, months ago—but the majority leader dragged his feet all the way up until late—late—last night, bringing the NDAA to the floor at the third latest point in the year ever.

Considering China’s military rise and the foreign policy disasters this White House has created, one would think delivering a paycheck to our servicemembers and providing funding to increase our military’s lethality would be top of mind.